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COMMISSION ON HUMAN RIGHTS CONTINUES DEBATE ON HUMAN RIGHTS VIOLATIONS IN ANY PART OF WORLD

GENEVA, 24 February (UN Information Service) -- The Human Rights Commission this morning continued its discussion on human rights violations in any part of the world. Non-governmental organizations, observers and member States of the Commission commented on the reports before the Commission and voiced concern over the lack of fundamental freedoms in various countries, areas and regions.

Representatives of Cyprus, Burundi, Argentina, Yugoslavia, the Philippines, Rwanda, Sweden, Greece and Norway took part in the debate. There were also statements from representatives of the following non-governmental organizations: International Federation Terre des Hommes, International Confederation of Free Trade Unions, National Aboriginal and Islander Legal Services, International Union of Young Christian Democrats, International Fellowship of Reconciliation, Latin American Federation of Associations of Relatives of Disappeared Detainees, International Association of Educators for World Peace, World Association for World Federation and World Organization against Torture.

Viet Nam, Cuba and Iraq exercised their right of reply.

Statements in Debate

EYLAH HAMUNDA, observer for the International Federation Terre des Hommes, expressed concerned about the current situation in Zaire. During the past year, he said, there had been numerous, and as yet unsolved, cases of murders, arrests, disappearances and pillage.

The Federation also drew the attention of the Commission to the plight of at least 67,400 refugees in the Philippines who were refused all fundamental freedoms. Those who defended human rights in the Philippines were still subject to intimidation, threats, assault and murder at the hands of the insurgents, the military or vigilantes. Guatemala, he went on, was "a devastated country" with war dead estimated at between 100,000 to 150,000

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GUY RYDER, observer for the International Confederation of Free Trade Unions (ICFTU), said the Confederation had been active in the struggle to ensure that the tide of democratic change encompassed trade unions. He said Latin America remained the most dangerous continent to a trade unionist. Colombia's trade union movement had been subjected to acts of cruel repression over the last six years and in El Salvador, there was an unrelenting catalogue of violent repression of trade unionists. In addition, the ICFTU had consistently condemned the denial of trade union freedoms under the present regime in Havana.

He said the trade union situation in Asia and the Pacific continued to be overshadowed by the denial of all trade union rights to millions of working people by the Government of China. Similar circumstances prevailed in Myanmar. In addition, the Federation reported a further deterioration of the situation in Fiji, where the authorities had issued three decrees in October whose only possible intent was that of depriving the Fijian labour movement of its right to represent the interests of its members.

JUDY GUNSON, observer for National Aboriginal and Islander Legal Service Secretariat (NAILSS), said that on the island of Bougainville the brutal siege imposed by the Papua New Guinea Government had resulted in the death of 5 per cent of the population due to lack of medical supplies, the destruction of thousands of village homes by the Defence Force, and the total destruction of all social, economic and political infrastructures. Australia, through its supply of arms, training and intelligence to Papua New Guinea, was an accomplice in these human rights violations in Bougainville.

She said her organization had followed the struggle of the people of East Timor for the past 16 years. If the Commission did not take firm action, it would be doing a disservice to the peoples of East Timor and of Indonesia. Indonesia was ruled today by one of the most brutal regimes in the world.

MARCOS VILLASMIL, observer for the International Union of Young Christian Democrats, said Iraq was an abhorrent example of a country which had violated the human rights of both its own citizens and those of neighbouring countries. If Saddam Hussain's Government continued to rule, the lives of Iraqi young people would continue to be a misery. He said Saddam Hussain should be tried for all his war crimes and atrocities.

On Cuba, he said the totalitarian character of the Government there had long been of concern to his organization. It was impossible, he said, to hold an opinion in Cuba which did not fit in with the reigning socialist ideology. "Flying Squads" had appeared in 1991 to act against dissidents or those who would move against the Government.

LAU SAN-CHING, observer for the International Fellowship of Reconciliation, said she had been a political prisoner in China. The system of justice in China had many failings, not only for political prisoners -- those convicted of such ill-defined "crimes of counter-revolution" -- but also those convicted of civil crimes. Abuses during pre-trial detention, the lack of a fair judicial process, inadequate access to a lawyer and prison

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conditions which did not meet minimum international standards were all indications of the need for far-reaching reforms. She appealed to the Commission to keep the situation of justice in China under close review.

MAGDA GONZALEZ SANCHEZ, JOSEFINA MARTINEZ and MARTA GARCIA, observers for the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM), said they had listened with sadness to the report of the Commission on summary or arbitrary executions. Those human rights violations were closely related to the problems of disappearances. The Federation hoped that in El Salvador, the Commission of Truth would investigate the killing of 65,000 people and disappearance of 8,000 others, and that the new Law of International Reconciliation would not prevent the punishment of those responsible. The organization also expressed concern about the human rights situation in Colombia where there were further disappearances, summary executions, and cases of torture in 1991.

The observers also spoke of reports of human rights violations in Cuba, Peru, Mexico and Guatemala.

JORGE MAS, observer for the International Association of Educators for World Peace, said the Government of Fidel Castro in Cuba was the most brutal and repressive in the Western hemisphere. The citizen was denied the right to speak and those who attempted to challenge the authorities were imprisoned. Some had disappeared. There was no protection and assistance for citizens who objected to the Government's policies, only public beatings and harassment, the deprivation of dignity and total degradation.

VANIAS MARKIDES, observer for Cyprus, said that for more than 17 years Cyprus had been suffering under a situation which constituted a grave breach of international law. This was the result of the military invasion of a small and defenceless country, Cyprus, by its big neighbour, Turkey. Last summer, the Secretary-General had sent his Representatives to Ankara, Athens and Nicosia. Progress on the problem would depend on whether Turkey would agree to restart negotiations from where they left off, or whether it would continue with its negative attitude. One of the most tragic aspects of the continuing violations of human rights in Cyprus, the pressing question of missing persons, had not yet been dealt with in a satisfactory manner. The Government of Cyprus had continued to be in favour of an effective functioning of the Committee on Missing Persons. All that was required was for the Turkish side to accept basic human rights and democratic rule.

LAURENT NZEYIMANA (Burundi) said human rights must be restored for Cypriot citizens and refugees. Various Human Rights Commission resolutions had outlined what needed to be done. The two Cypriot communities had reached an agreement, too, and therefore hope existed and the situation was not blocked.

FERNANDO NOVILLO (Argentina) said various conflicts were being resolved all over the world and it was unfortunate that that wave of reconciliation did not include Cyprus. It was important to restore all human rights to all the citizens throughout the island. The only solution could be achieved by the

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acceptance of both Greek Cypriots and Turkish Cypriots that Cyprus was their only home. He hoped that by next year the question of human rights in Cyprus would be a sad memory.

ZIVOJIN JAZIC (Yugoslavia) said he remained hopeful that a just political solution in Cyprus would be reached. The withdrawal of all occupation forces and settlers, the voluntary return of the refugees to their homes and respect for the human rights and fundamental freedoms of all Cypriots were essential priorities in seeking a solution.

Any settlement had to guarantee sovereignty, independence, territorial integrity and non-alignment for Cyprus. The Commission on Human Rights should insist on the full restoration of all human rights to the population of Cyprus.

LESLIE GATAN (Philippines) said the Secretary-General should extend the needed support to facilitate the achievement of an overall framework agreement. This framework should also take into account the plight of displaced persons and appropriate territorial adjustments. Since the success of the international community ultimately depended on all parties concerned in the problem of Cyprus, the Philippines joined the appeal for them to articulate freely their genuine desire of ensuring the reign of lasting peace and harmony in Cyprus.

BONAVENTURE MBARUSHIMANA, observer for Rwanda, observed that human rights violations were extensive throughout the world. Rwanda would continue to emphasize human rights, but the effort was compromised by aggression from Uganda. It was disturbing that no international groups had protested the violations against Rwandans in the northern part of the country. Violence led to violence, and impunity from punishment led to further crime. Now the aggressors were attacking refugee camps and health centres. Some 120,000 had been displaced by the violence near the Ugandan border. International attention must be focused on those grave offences. A cease-fire signed on 29 March 1991 had not been observed.

STAFFAN DUHS (Sweden) recalled that the Special Representative had been seriously hampered in carrying out his mandate by the decision of the Cuban Government not to cooperate with him, and said he was perturbed by the reported acts of persecution against dissidents and opponents of the Government. He said Sweden supported the recommendation of the Special Rapporteur to send a team of human rights monitors to Iraq; it was deeply concerned about the human rights situation in Iran.

The human rights situation in Myanmar (Burma) remained serious, and Sweden supported the appointment of a Special Rapporteur. It was also concerned about the human rights situation in China, which included the autonomous region of Tibet, and had condemned the serious brutality recently committed by Indonesian armed forces against civilians in East Timor. It welcomed the investigation report by the Government of Indonesia; those responsible must be tried without delay. He said the situation in Guatemala

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had been on the Commission's agenda for a number of years and he regretted that a serious human rights situation stillprevailed in that country. The Commission must also pay close attention to developments in Haiti.

EURIPIDES P. KERKINOS (Greece) said the 200,000 Greek Cypriots ousted from their homes and property were still denied the right to return. Under methodical oppression and harassment, people in the occupied part of the island were forced to leave their ancestral homes; once numbering 20,000, they now had dwindled down to a few hundred. He said the status quo for Cyprus was untenable. Greece stood in full support of the mission of good offices of the Secretary-General and hoped that international persistence would be able finally to bring Turkey to abide by what was both legal and moral.

HASKON B. HJELDE (Norway) called for more adequate machinery for the protection of human rights in emergency situations. The Government of Austria was to be commended for having made a proposal in this direction, the major outline of which Norway supported. A higher level of contingency and preparedness for the handling of ethnic and minority-related tensions and conflicts was also required. It should incorporate agreed approaches for peaceful settlement of disputes. He also suggested a closer link-up with relevant United Nations bodies, such as the United Nations High Commissioner for Refugees and the Commission on the Status of Women.

He said the downfall of authoritarian rule in the former Soviet Union meant that the scope for conflicts like the one confronting Armenia and Azerbaijan over Nagorno-Karabakh was considerable. Norway also continued to be concerned at the plight of the Kurds and of the Shia Arabs in Iraq and called on the Commission to extend the mandate of the Special Rapporteur for another year. The mandate of the Special Rapporteur to Iran should also be renewed.

There was still untold human suffering in Africa caused by internal struggle and insurgency. Norway was shocked at reports of massive and rampant killings and maltreatment affecting thousands of people in Somalia and the plight of political dissidents in Kenya. The human rights situations in Sri Lanka, Myanmar, the Chittagong Hill Tracts area of Bangladesh, the territories occupied by Israel, Cuba, East Timor, Tibet and Central America were still causes for international concern.

VLADIMIR KARADJORDJEVIC, observer for the World Association for World Federation, said various non-governmental organizations had underlined the problem of the Albanian minority in Kososvo. The status of every minority should be resolved within the framework of international conventions, through constructive dialogue and never by a unilateral secessionist attempt as some of the Albanian minority had tried to follow. Serbia felt itself the principal victim of the attempts to dislocate the Yugoslav State, since an important part of its population inhabited the territory of the secessionist republics, and its most legitimate ambitions of seeing the whole of its population live in a single State had now come to be compromised.

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The Serbian population in Croatia was justly convinced that the new Croatian State of 1991 was undertaking a "Croatization" of the Serbian constituent of this republic.

A further decomposition of Yugoslavia would result in the re-creation of the old East-West barrier in the heart of the Balkan peninsula, whereby the Catholic and prosperous Europe would reject the Orthodox and under-developed Balkans. The solution for Yugoslavia was in an approach which accepted the growing interdependence between the nations of Europe. The decision of the United Nations to send forces of intervention would contribute to the restoration of peace.

KATHARINE MANN, observer for the World Organization against Torture (OMCT/SOS-TORTURE), expressed concern over the human rights situation in Turkey. She said that in 1991, during the Gulf crisis, the civilian population of Kurdistan was the victim of serious repression which was demonstrated, among other things, by the suspension of the European Convention on Human Rights in that region. The international community and the Commission should urge the Turkish authorities to respect international instruments. The Commission should also undertake action to ensure the protection of the civilian population and put an end to the violence and repression.

She said that in Sudan, her organization had had to intervene on behalf of dozens of people who had been illegally arrested, placed in detention and subjected to serious torture. The situation of human rights in Madagascar had deteriorated, the Commission should pay particular attention to monitoring it. She also spoke of human rights violations in Tibet, Bhutan, South Korea, East Timor, Zaire, Burundi, Honduras and El Salvador.

Rights of Reply

NGUYEN THI NHA, observer for Viet Nam, said the representative of Portugal, speaking on behalf of the European Community, had welcomed the new Vietnamese draft Constitution of 30 December but had stated that for the first time, a series of freedoms such as freedom of the press, assembly, travel and of association had now been specified. The observer for Viet Nam pointed out that the 1980 Constitution of Viet Nam stated that "citizens enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association, and also provided that "the State shall create the necessary material conditions for the exercise of these rights". In Viet Nam, national laws were and would be enforced whenever and wherever they were violated, irrespective of the social position or activity of the violators.

MIGUEL ALFONSO MARTINEZ (Cuba), replying to the statements of three non-governmental organizations and two observer States who had made references to the human rights situation in Cuba, said the revolution in Cuba had provided democracy and human rights protection for the entire population. Cuban workers had the right to a trade union federation to protect them and no one was prevented from the right to associate freely. Moreover, legal procedures protected that right. The comments of the non-governmental

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organizations had demonstrated their distance from reality and fact. The Swedish delegate had mentioned that Cuba had failed to respond to the Special Rapporteur. That should not be an occasion for surprise because Cuba had made it very clear that it could not comply with the resolution at the point of its adoption last year. Cuba was not prepared to move backwards.

MUHAMMED SALMAN (Iraq) said some non-governmental organizations considered the Commission on Human Rights as a free podium and showed no responsibility for truth. They respected only the wishes of the Governments who paid them. He said the statement by the International Union of Young Christian Democrats was completely ignorant of the facts. Norway and Sweden had mentioned only the facts about Iraq in the Special Rapporteur's report, which was biased. It was beneath Iraq to respond to these unfounded accusations.

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NGO REPRESENTATIVES CALL FOR ACTION BY HUMAN RIGHTS COMMISSION ON VIOLATIONS IN MANY COUNTRIES

Commission Continues Review of Situation Worldwide

GENEVA, 24 February (UN Information Service) -- Non-governmental organizations called this evening for action from the Commission on Human Rights with respect to the state of human rights in Guatemala, El Salvador, Algeria, Iran, Sri Lanka, Tibet, Kashmir and the United States, among others.

The calls came as the Commission continued to review the question of human rights violations in any part of the world. Under this agenda item the Commission is also looking at the human rights situations in Cyprus and in Kuwait during the occupation by Iraqi forces.

There were statements from representatives of Czechoslovakia, Mexico, Indonesia, Iraq, Kenya and Bahrain, and of the following non-governmental organizations: International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities; Christian Democratic International; Pax Romana; France-Libertes; Greek Orthodox Archdiocesan Council of North and South America; International League for the Rights and Liberation of Peoples, Refugee Policy Group; World Confederation of Labour; American Association of Jurists; Action Aid; Inter-Parliamentary Union; International Educational Development Inc.; Four Directions Council; International Indian Treaty Council; International Movement for Fraternal Union Among Races and Peoples; Union of Arab Jurists; World Social Prospects Assocation; and the Indian Council of South America and World University Service.

The representatives of Yugoslavia, Cuba, Iraq and Algeria exercised their right of reply.

Statements in Debate

MENELAOS TZELIOS, observer for the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, said the Albanian Government had systematically continued to

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commit violations of the basic human rights of the Greek minority in Albania, designed to intimidate and terrorize them with the ultimate goal of eliminating their existence. More than 100.000 Albanians of Greek descent had had to flee to Greece with expectations of jobs, food and shelter which they were told awaited them across the border.

The Albanian Government, while seeking the acceptance of and a place in the international community through false promises of reforms, was simultaneously committing the ethnic genocide of the Greek minority in that country.

AMAYA ALTUNA DE SANCHEZ, observer for the Christian Democratic International, spoke of the situation in Haiti. She said the election of Bertrand Aristide was to be welcomed, but he had tolerated grave violations of human rights. She cited, as an example, "necklacing" -- the idea of putting a tyre round the neck of opponents and setting it on fire. Those allegations had to be examined. Any return of Aristide to office should come together with increased respect for the Parliament and Constitution of Haiti.

She said the human rights situation in Cuba had deteriorated significantly in the last four months. She called upon the Cuban authorities to allow the Commission's Special Rapporteur to visit the country.

JUAN GERARDI CONEDERA, observer for Pax Romana, said the insurgency in Guatemala had increased its military activities. It had, among other activities, attacked civilian targets, summarily executed members of the military and recruited minors. The army in its counter-insurgency campaign attacked and harassed civilian populations.

In the wake of crimes against religious workers and university professors, a number of prominent personalities had sought refuge outside the country. The Commission should examine the situation in Guatemala and ask the Secretary-General to appoint a representative to monitor and support the effective implementation of human rights in that country.

DANIELLE MITTERRAND, observer for France-Libertés, said one in 10 of all Tibetans had been in prison during his or her lifetime, and most of them were beaten and tortured during their detention. In addition, the transfer-of-population policy introduced in 1983 was continuing. Ultimately the Tibetan population would become a minority in its own territory. China's intensive exploitation of Tibet's natural resources was seriously endangering the environmental equilibrium.

France-Libertés would be willing to be associated with the drafting of a resolution that a solution to the problem of Tibet be found through dialogue and negotiation.

On the situation in East Timor, where she said the population was subjected to arbitrary arrests, ill-treatment, torture and the most brutal forms of repression, it was time for the United Nations and Governments to ensure that their resolutions were implemented, and to demand that the

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Indonesian Government withdraw its armed forces. She called for those committed to the defence of human rights to deplore the barbarous acts which had made the Kurds a martyred population, so that people might be able to return freely to their towns and villages in order to rebuild them.

ELIAS S. BETZIOS, observer for the Greek Orthodox Archdiocesan Council of North and South America, spoke of systematic and massive violations of human rights against Albanians, Serbs, Vlachs and Greeks committed by a group of extreme nationalists in the self-proclaimed "Republic of Macedonia", or Skopje. He said that while the Kosovo issue had been widely discussed, the gross human rights violations in the Republic of Skopje had hardly been noticed by the Commission and the international community.

ORETTA BANDETTINI DI POGGIO, observer for the International League for the Rights and Liberation of Peoples, noted that Guatemala had been enjoying "democracy" since 1986, yet in not a single sector had there been any improvement in fundamental rights and freedoms of a people. There continued to exist an automatic, self-breeding pattern of repetitive, gross and frightening violations of every human right. In 1991, another civilian Government was elected which made a commitment to the people of Guatemala and the international community to guarantee the full enjoyment of human rights and fundamental freedoms and offered to take immediate and urgent measures to that end. She regretted that it could hardly be said that those commitments had been fulfilled.

She urged the parties to continue negotiations and said strong, impartial and international structure was needed to monitor whatever agreement might be achieved.

JURAJ KRALIK (Czechoslovakia) said his country had taken a number of steps to improve protection of human rights. Given the positive start of Middle East peace negotiations in Madrid, he hoped to see serious progress in human rights in the occupied Arab territories. On the question of human rights in Cyprus, he said the essential condition for the improvement of human rights was the reaching of a political settlement between the two communities. Czechoslovakia was glad to see that the human rights situation was improving in Romania; it had shared the relief of the end of the armed conflict in El Salvador; and it hoped progress towards the abolition of apartheid would continue.

CLAUDE HELLER (Mexico) said the current international situation offered an exceptional opportunity for human rights protection. Politicization of the Commission had prevented criticism of flagrant violations of human rights, with the Impunity of some countries being supported from abroad. Resolutions had been adopted by the Commission for politically expedient reasons rather than for reasons of real concern. The Commission should consider other issues, for example the emergence of racism in developing countries, and it might want to promote dialogue between conflicting parties. Sovereignty was not an outdated concept; a balance had to be found between intervention, non-selective cooperation and international human rights protection.

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SOEMADI BROTODININGRAT (Indonesia) said that contrary to some misleading foreign reports, the demonstration of 12 November 1991 in Dili, East Timor, had not been an entirely peaceful affair. The procession had from the outset been taken over by a small group of agitators whose belligerent acts culminated in the stabbing of a Deputy Battalion Commander and the wounding of a private from the security forces. It was in those conditions, and in an atmosphere of rising tension and confusion, that, most unfortunately, the shootings had taken place. The Government had acted firmly and swiftly in facing that tragic event. On 18 November 1991, the National Commission of Inquiry had been established. The Commission had pinpointed the lack of proper implementation of riot control procedures and the careless handling of casualties and of the deceased. It recommended that in order to uphold justice, action must be taken against all who were involved in the incident.

He said that after receiving the advance report of the National Commission of Inquiry, the Government had acted promptly even without waiting for the full report. It had also agreed to the proposal by the Secretary-General to send Amos Wako, Attorney-General of Kenya and an international authority on human rights, to Indonesia as his personal envoy in order to obtain clarifications on the incident. Mr. Wako's visit had taken place from 9 to 15 February.

The Indonesian representative said he deeply deplored deliberate misinformation and irresponsible misrepresentation on the part of some non-governmental organizations.

MOHAMMED AL-DOURI (Iraq) said Iraq believed the objective of the Commission to be a place of dialogue remained a distant goal. Nobody was allowed to mention human rights violations in Europe or in the United States. Special Rapporteurs were usually targeted by a powerful group of countries which took orders from non-governmental organizations and met before the Commission's session.

He said a country suffering from war, from poverty or from a state of emergency needed economic, social and political solutions very rapidly. The Commission was particularly harsh towards countries which just needed a helping hand.

He said the war with Iran, and then the United States and its allies and the subsequent embargo had had a negative impact on human rights in Iraq. The crime of genocide against the Iraqi people due to the food and medicine blockade -- "the crime of the century" -- had been ignored by the Commission. The unjust blockade had to end.

CHRISTOPHER MBURI (Kenya) said the situation of human rights in Cyprus continued to be of concern to his delegation. In spite of various United Nations resolutions, including some by the Commission, the situation remained very much the same. However, he was encouraged by the initiatives being undertaken by the Secretary-General. No effort should be spared to ensure that Greek and Turkish Cypriots would once again be able to live in peace with one another as in the past.

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BUHIGI HAKIM, observer for Bahrain, said the continuation of Iraq's disrespect for human rights and United Nations instruments, norms and standards had led Iraq to commit barbarous crimes during its invasion of Kuwait. Its actions had led to the death of hundreds of innocent civilians, the looting of public and private property and the destruction of Kuwait's economic base -- the oil wells. He appealed to Iraq to release the Bahrain citizens it held.

JACQUES CUENOD, observer for the Refugee Policy Group, said that the growth in the numbers of refugees and displaced persons throughout the world clearly made it critical for United Nations human rights bodies to take specific steps to address the human rights violations that caused refugee flows. He called upon the Commission to give consideration to the preparation of an annual review of human rights violations in specific countries and areas that were giving rise to massive refugee flows. That would enable the Commission to examine more closely the root causes of refugee flows and to develop strategies to deal with them.

A system that vigorously alerted the Secretary-General to deteriorating human rights conditions that might require international action was urgently required. The Refugee Policy Group strongly urged the Commission to examine the human rights aspects of refugee issues and to take steps to play a more effective role in addressing the root causes of refugee flows.

BEATRICE FAUCHERE, observer for the World Confederation of Labour, said ethnic and racial conflicts were replacing ideological ones, thus endangering the young democracies. Those problems were made worse by the economic and financial crises in those countries. In some countries when workers tried to organize themselves they became the object of death threats, sackings and arrests. She cited incidents and situations in Korea, the Ivory Coast, Brazil and Madagascar

FERNANDO DE LEON, observer for the American Association of Jurists, quoted an internal memorandum of the World Bank suggesting that polluting industries be transferred to the countries of the third world. He said this constituted an incitement to the massive violation of the human rights of the peoples of those countries. In Peru, the Government's commitment to turn the country into a paradise for foreign investment had led to the impoverishment of the population.

He said his organization was gratified at the progress in El Salvador However, the Commission should continue to deal with the situation in that country, and not repeat the mistake it made in the case of Guatemala by ending the mandate of the Special Rapporteur prematurely.

MARTIN GRIFFITHS, observer for the Action Aid, said the United Nations needed to be clear about the circumstances which would allow, and indeed require, action by humanitarian agencies even when host governments had not requested such action, or when there was no sufficient administrative authority, internationally recognized, to make such a request. There was a danger that a United Nations dominated by a northern consensus would ride

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roughshod over the rights of southern governments and peoples, sometimes indeed claiming an attachment to human rights as its justification.

To act in situations where there was no clear and recognized request from a sovereign Government, he continued, there needed to be a gross and continuing abuse of the most fundamental human right, the right to life. If that right was threatened, and if the threat was sufficiently widespread and persistent, there must be a declaration by the United Nations -- through the Security Council -- that such a situation existed, and that action on behalf of the abused was sanctioned.

ANDERS JOHNSSON, observer for the Inter-Parliamentary Union, cited cases brought to the notice of the organization. He said a senior Parliamentarian in Equatorial Guinea, Antonio Ebang Mbele Abang, was alleged to have been placed under house arrest in late November 1990 and had his parliamentary mandate revoked. A former Parliamentarian from Indonesia was sentenced to death in 1971 at a trial the fairness of which had been contested, for his involvement in a 1965 coup attempt. A member of the Citizen's Majlis of the Republic of the Maldives had allegedly been subjected to ministerial measures restricting his freedom. He had been charged with making derogatory and subversive statements against the State. The most serious case brought in recent years involved some 65 elected members of the People's Assembly of Myanmar; all but one had either been sentenced to long prison terms following summary trials or were being held without charges. The one exception had died in prison in 18 January last year.

KAREN PARKER, observer for International Educational Development Inc., said the Kurdish Workers' Party (PKK) and its Kurdish National Liberation Army (ARGK), fighting the Turkish Army, should honour obligations arising from the Geneva Conventions and customary humanitarian law. She urged the Commission to condemn Turkey and to call upon both parties to the conflict to respect humanitarian law.

In Sri Lanka, she added, the Government continued to wage a violent war against the Liberation Tigers of Tamil Eelam (LTTE) and the Tamil civilian population. A Special Rapporteur should be appointed to monitor human rights there. She said the international community should take strong action to ensure that the persons elected in democratic elections of Myanmar took up their rightful places. Her organization remained concerned with the Government-released figures of death sentences and executions in China in 1991. She said there were more than 1,000 political prisoners in the United States, and the U.S. Government engaged in piracy by capturing thousands of Haitians in international waters and sending them back to Haiti where some had been killed.

GRACE SMITH, observer for the Four Directions Council, said she was a Dinéh (Navajo Indian) facing relocation from her traditional ancestral homeland. The Dinéh peoples and their Hopi brothers could not exist away from their lands. In 1863, many had been moved from their traditional homelands to Fort Sumner, New Mexico, through a forced march. A peace treaty signed with the United States Government to stop the fighting had never been respected by

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the United States. Through its agent, the Bureau of Indian Affairs, the government was fencing Dinéh in to prevent them from using their lands for livestock grazing.

She said cousins of the Dinéh's, the Apache nation, were trying to stop the destruction of their sacred mountain known in English as Mount Graham. To the north, in the Lakota Sioux nation, the rights of children adopted outside of the tribe were restricted. The Lakota Sioux children were being adopted by non-indigenous people and losing their heritage.

KAWAIPUNA PREJEAN, of the International Indian Treaty Council, said the dismal record of the United States in keeping promises exacerbated the appalling conditions confronting indigenous First Nations people in lands now claimed by that country. The Council's 1993 activities in Hawaii to commemorate its being robbed would coincide with the beginning of the year of the indigenous people. The Council therefore recommended that Special Rapporteur Christi Mbonu attend the events.

He said the Council was pleased at the peace agreement in El Salvador; the mandate of the Special Representative should be extended. He also spoke of human rights violations in Guatemala, East Timor and Sri Lanka.

C.M. EYA-NCHAMA, observer for the International Movement for the Fraternal Union among Races and Peoples, said that following the fall of communism, certain Eastern European countries were trying to impose religious totalitarianism.

Today, he went on, there was also an Islamic Inquisition, with headquarters in Iran, Saudi Arabia and Sudan. The political leaders of Saudi Arabia specialized in building mosques all over the world, yet they did not allow other religious groups to build places of worship in their country. It was strange that the Commission did not deal with the systematic human rights violations in Saudi Arabia. The Sudan's politico-religious leaders rigorously applied the Islamic Inquisition, deciding arbitrarily about the life and death of millions. Elsewhere in Africa, the dictatorship in Chad, demonstrated its opposition to the establishment of the state of law. Meanwhile, in Algeria, the methods used by the Government to fight the Islamic Inquisition of the Islamic Salvation Front were counter-productive.

ELIAS KHOURI, observer for the Union of Arab Jurists, speaking for 14 other international and national non-governmental organizations, said recent reports by United Nations specialized agencies and other international organizations had shown the increasing suffering of civilians, especially children, in Iraq. The commission must take every possible measure to halt the human rights violations caused by the continuation of the embargo against Iraq.

MARTIN MALUZA, observer for the World Social Prospects Association, said winds of change were sweeping Africa, but those winds had brought violent responses by Governments. He cited South Africa, Burkina-Faso, Burundi, Cameroon, Gabon, Guinea-Conakry, Kenya, Madagascar, Ivory Coast, Rwanda, Chad,

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Togo and Zaire. He said there had been assassinations, bombings, imprisonments and other atrocities, and the Commission and the entire international community should pay attention. He described particular incidents in man* of the countries.

JUANA TIPAZ, observer for the Indian Council of South America, said displaced persons in Guatemala were the survivors of the military genocide and of the institutionalized repression in that country. The year 1991 had been one of persecution against the popular and trade union movements. In addition to kidnappings, beatings and killings, the lands of popular sectors had been subjected to fumigation by the United States Drug Enforcement Administration, which had destroyed the maize crops of various communities. Respect for human rights would only be achieved in Guatemala with support from the international community. The Commission should appoint a Special Rapporteur for Guatemala.

FREDERICK DE VLAMING, observer for World University Service (WUS), said the organization was concerned about the human rights situation in Guatemala. Many students and members of the academic community had become victims of disappearances, torture and extrajudicial executions. He said a comparable situation existed in Colombia. He added that the situation in Tibet deserved special attention, and spoke also of human rights violations in Sri Lanka, South Bhutan and El Salvador

Rights of Reply

OLGA SPASIC (Yugoslavia), responding to a statement from the World Movement of Mothers, said her Government's concern about the situation in the country and its efforts to overcome the crisis by political means were well-known. The delegation was sorry that one mother's emotional interpretation of the situation had been used to present one-sided information to the Commission. The number of displaced persons cited by the World Movement of Mothers, 750,000, could refer to the total in all of Yugoslavia, not just in Croatia. There were documents detailing activities of the Croatian authorities and their paramilitary and illegal armed forces which could be considered as genocide.

She said the destruction of cultural and spiritual heritage by the Croatians, including more than 70 Orthodox churches and the vandalization of the Jasenovac Memorial to the victims of fascism, was also documented. As for the destruction of civilian buildings, it was the Croatian authorities which had abused the inviolability of such buildings by using them for military purposes.

MIGUEL ALFONSO MARTINEZ (Cuba) said the International Union of Young Christian Democrats had referred to the human rights situation in his country. Recently, he said, there had been three executions in Cuba. One of those executed had infiltrated the country with arms and explosives and intended to spread terrorism. The other two had tied up four soldiers and shot them in cold blood. There were no photos in the free press of how the soldiers had been tied up and shot. Those seeking clemency for those killers were only helping the anti-Cuba campaign of the United States. Czechoslovakia

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had said it was "concerned" about Cuba, but the speaker gave no proof to justify the criticism. In Czechoslovakia there had been a great deterioration of human rights compared with the previous situation in that country; there was now a low standard of life there. Would Czechoslovakia invite a human rights team to visit, as Cuba had?

MOHAMMED SALMAN (Iraq) said he had hoped that in speaking on the "blockade" on the Kurdish people, the representative of France Libertés would have also called for a lifting of the blockade on the Iraqi population. If the big Powers had kept their hands off Iraq, the country would not have reached that situation. The Kurdish people were part and parcel of Iraq. They had been used as a Trojan Horse against Iraq by the big Powers. Some groups had seized shipments of food from the Government to the Kurds and then sold them to the very same Kurds. As for the supposed demolition of villages, that referred to settlements evacuated during the Iran-Iraq war. Their inhabitants had returned to their homes. Kurds enjoyed all the guarantees extended to other Iraqi citizens.

MOURAD ADJABI (Algeria) said statements by the American Association of Jurists and the International Movement for Fraternal Union among Peoples had mentioned Algeria, and the Algerian delegation reserved the right to make a reply.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/332
25 February 1992

REPRESENTATIVES OF NINE COUNTRIES HEARD AS COMMISSION CONTINUES GENERAL REVIEW OF HUMAN RIGHTS VIOLATIONS WORLDWIDE

Report on Romania Indicates 'Systematic' Progress

GENEVA, 25 February (UN Information Service) -- The Commission on Human Rights this morning continued its consideration of the question of violations of human rights and fundamental freedoms in any part of the world, with the introduction of a report by Special Rapporteur Joseph Voyame on Romania. Mr. Voyame noted that recent progress in human rights in that country had been less spectacular than that which had occurred immediately following the collapse of the Ceaucescu regime.

The Commission postponed consideration of a draft resolution on the question of the Palestinian and other Arab territories occupied by Israel. The Chairman of the Commission, Pal Solt (Hungary), said that discussions among a number of delegations had led to the conclusion that, owing to the international situation, there was a consensus that the Commission not decide on that question at this session.

(A draft resolution by the Subcommission on Prevention of Discrimination and Protection of Minorities would have had the Commission recommend that the Economic and Social Council request an advisory opinion from the International Court of Justice on the question of the legal consequences for States arising from the building by Israel of settlements in the territories occupied since 1967.)

Representatives of nine countries took part this morning discussion -- Sri Lanka, China, Hungary, Austria, India, Oman, Turkey, Haiti and Rwanda. Representatives of Turkey, Haiti and Rwanda exercised their right of reply.

Report on Romania

Introducing his report on the human rights situation in Romania, Special Rapporteur JOSEPH VOYAME (Switzerland) said progress in that country last year had been less spectacular than that which had followed the collapse of the Ceaucescu regime, but the recent improvements were more systematic and

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For information media—not an official record

substantive. If he spoke of some continuing problems, it was not to criticize but to help the Romanian authorities to make further improvements. He said Romanian officials had been cooperative and open in their dealings with human rights officials.

Among the problems still to be resolved, he went on, was the behaviour of the police, who were often too brutal in breaking up various demonstrations and too soft in protecting certain sectors of the population. He said the Public Ministry needed to act more vigorously in considering complaints of alleged human rights violations, especially from ethnic minorities. Prisons in the country were dilapidated and overcrowded. Freedom of religion had been re-established in theory, but there were still unresolved problems in protecting the rights of members of the Greek Catholic Church.

Unfortunately, he added, there still also existed a climate of intolerance between the country's various ethnic groups. Progress in human rights could be expected to continue in Romania, but it would come slowly, in part because of limited resources. However, under its new Constitution, which guaranteed fundamental human rights, Romania seemed committed to further human rights progress.

The report recalls that at its forty-seventh session the Commission expressed the conviction that the continued services of the Special Rapporteur, appointed in 1989, would be of benefit to the Government and people of Romania during the present period of transition. The Commission, among other things, took note of the fact that, despite regrettable lapses, respect for human rights was in general continuing to improve in Romania.

However, it concludes that many members of the administration in Romania, who were in office under the Ceaucescu regime, were still there. Attitudes were slow to change and there were still signs of the mentality of the past. Excessively brutal intervention by the police had resulted in many victims. In addition, it would seem that the police were still making arbitrary arrests and behaving brutally when arresting and questioning people. The problem of minorities also remained a cause for concern and the Special Rapporteur considered it regrettable that the majority did not show greater generosity towards the Hungarian minority.

Statements in Debate

NEVILLE JAYAWEERA (Sri Lanka), addressing the question of what his Government was doing in the area of human rights, said it had opened its society totally to the international community. Sri Lanka would implement 30 of the 32 recommendations contained in the report by Amnesty International. It hoped to invite the Working Group on Disappearances to return to Sri Lanka this year and had also invited the Special Rapporteur on Summary or Arbitrary Executions to visit. He indicated various specific initiatives which the Sri Lankan authorities had taken, including the establishment of two Presidential Commissions and a Human Rights Task Force.

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He said human rights violations in Sri Lanka were not the outcome of deliberate Government policies. Rather, they were mostly the result of decades of economic stagnation. Accordingly, foreign investments were being encouraged and the State sector was being slimmed down. The economic initiatives had created, during the past year and a half, a climate conducive for the preservation of human rights. Sri Lanka remained firmly committed to a negotiated settlement and was convinced that the Parliamentary Select Committee would soon come up with a workable formula to deal with the tragic conflict in the north and east of that country.

FAN GUOXIANG (China) said his Government respected and protected the human rights of its people of all nationalities, including the Tibetan people. It was necessary to expose lies in order to preserve the solemn nature of the human rights bodies of the United Nations, in the light of so-called information put together by non-governmental organizations. The so-called human rights issue in Tibet was a political smokescreen by a small number of Tibetan separatists in collusion with international forces hostile to China. Since 1959, the human rights situation in Tibet had undergone great changes. The size of the Tibetan population had doubled and the average life span of the Tibetan people had been raised from 35 years to 65 years.

Allegations by the non-governmental organizations concerning the so-called human rights violations in Tibet were groundless. The riots which took place in Lhasa between 1987 and 1989, described by the non-governmental organizations (NGOs) as "peaceful demonstrations for Tibet's independence" were in fact riots created by a small number of separatists, using violent means in violation of the law, aimed at Tibet's independence. Among the handful of criminals who were responsible and later tried by the judicial organs in Tibet, not a single one had been executed. He said the clamour over "human rights" in Tibet was an attempt to split Tibet from China.

GYULA K. SZELEI (Hungary) said the issue of human rights could not be considered an internal affair of any country, and he expressed concern about the human rights situations in Iraq, Myanmar and Cuba. He said more than 2 million Hungarians were living in Romania. The use of their language was curtailed in education and in the judicial procedure. They were extremely under-represented in public institutions, even in the local authorities of regions where there were many Hungarians. The Hungarian minority, including the leaders of their organizations, were still often the object of harassment, intimidation and interference.

He said an alarming situation was unfolding in the Yugoslav province of Voivodina, where the basic human rights and fundamental freedoms of hundreds of thousands of Hungarians were being deliberately and seriously violated by the Serbian authorities and the military. Some 25,000 people of Hungarian origin had already fled Voivodina because of this and the hundreds of thousands who stayed lived in constant danger and fear.

NIKOLAUS SCHERK (Austria) said State sovereignty was an important principle of international relations, but human rights were not the property of a certain culture or of a particular group of nations. They transcended

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cultures, races, religious beliefs, even political systems. Austria had consistently supported the monitoring activities of the Commission on Human Rights. It was pleased to note that such dialogues had been fruitfully engaged in with the Governments of Romania and Albania. Austria hoped both countries would vigorously continue to foster human rights.

By contrast, he said, Austria was deeply concerned about reported human rights violations in Yugoslavia, the Israeli-occupied territories, Kuwait, Iraq, Iran, Afghanistan and Myanmar. Austria noted with great satisfaction the rapid evolution of a number of African States towards pluralist democracy, the rule of law and full respect of human rights, but was gravely concerned about continuing internal conflicts in the Sudan, Ethiopia, Somalia, Liberia, Zaire and Mozambique, which were characterized by serious human rights violations. On South Africa, he said, it would be a long time before the long-term negative consequences of apartheid were redressed. Austria also expressed concern about human rights in El Salvador, Guatemala, Haiti and Cuba.

V.N. GADGIL (India) said India fully supported the unity, independence, territorial integrity and non-aligned status of Cyprus, and stood for the restoration and safeguarding of the human rights of all Cypriots. The intercommunal dialogue between the two Cypriot communities, which had resumed in September 1988 under the aegis of the Secretary-General, was welcome. India hoped that the statemenship and goodwill that made possible this inter-communal dialogue would contribute to all future discussions.

ABDULLAH AL-FARSY, observer for Oman, said the right of peoples to live in peace was undeniable and recognized by all Conventions. It was also recognized by the divine teachings, particularly of Islam. So Oman had been surprised like everyone else by the Iraqi invasion and occupation of Kuwait in August 1990, and had been among the first countries to demand Iraq's withdrawal. It had also been at the forefront of diplomatic efforts to avoid the war.

He said Oman demanded that Iraq accept the resolutions of the General Assembly so that the effects of its occupation could be eliminated. It also called on Iraq to provide information on the whereabouts of those who had disappeared.

Rights of Reply

AYDIN SEZGIN, observer for Turkey, said almost all of the statements by non-governmental organizations referring to Turkey contained hackneyed repetition of unfounded allegations. Turkish democracy was firmly anchored, and terrorist actions against it would be ended without violating human rights. The World Confederation of Labour had referred to subjects outside the area of labour relations. In its inability to improve situations in its home country, the Confederation was unfairly blaming its failures on countries thousands of miles away.

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JOSEPH P. ANTONIO, observer for Haiti, responding to a statement by Christian Democratic International, said Jean-Bertrand Aristide had been elected President of Haiti with 66.4 per cent of the vote on 16 December 1990. The suggestion that he tolerated or even ordered the human rights violations of which he had been accused was part of the misinformation campaign being conducted by the leaders of the coup d'état of 23 September last year. Father Aristide's statements had been taken out of context by his detractors in order to justify themselves.

BONAVENTURE MBARUSHIMANA, observer for Rwanda, said the representative of the World Association for Social Prospects had mentioned African countries that did not respect the right to life. In mentioning Rwanda, he was inaccurate; in Rwanda, the right to life was guaranteed by the Constitution and by international instruments. In Rwanda, there had been a war. It was the fault of those causing the war if there were any human rights violations at all. Journalists were free to do their work in Rwanda, but they were not above the law. The country's prisons were open for inspection by anyone, but Rwanda did not think an investigation was necessary.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/333
26 February 1992

HUMAN RIGHTS COMMISSION RECEIVES REPORT ON SITUATION IN GUATEMALA

Director-General of UNESCO Describes Organizations Role in Promotion of Rights

GENEVA, 25 February (UN Information Service) -- The human rights situation in Guatemala was described to the Commission on Human Rights this afternoon. Christian Tomuschat, independent expert on Guatemala, said the "phenomenon of impunity" for violent crimes cast a shadow over the existence of evey person living in that country.

According to Mr. Tomuschat, who was introducing the report he prepared in accordance with Commission resolution 1991/51, the Government of Guatemala had the will to uphold and strengthen the rule of law; the problem was how to "concretize" this will so that its effects might be felt in every area of the governmental machinery. The end of the armed conflict should put an end to many of the objectionable features of the human rights situation there.

The Commission is to decide later in its current session under which agenda item the situation in Guatemala should be considered. The delegation of Canada and a number of non-governmental organizations have proposed that it be considered as part of the Commission's study of the question of human rights violations anywhere in the world. Others, including the delegation of Brazil, according to its statement today, recommend that it be discussed under the item on advisory services in the field of human rights.

Also this afternoon, the Commission heard an address by Federico Mayor, Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) who highlighted the Organization's role in the promotion of human rights.

Taking part in this afternoon's deliberations were representatives of Romania, Belgium, Canada, Brazil and the Russian Federation, and of the following non-governmental organizations: World Student Christian Federation; War Amputation of Canada; Minority Rights Group International; the Movement against Racism and for Friendship among Peoples, and Liberal International.

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Statement by Director-General of UNESCO

FEDERICO MAYOR, Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), said that following the fall of the Berlin Wall and the end of East-West confrontation, ideological disputes on the basic concept of human rights had been replaced by general agreement on the crucial importance of the observance of human rights. A new practice was emerging, the scope of domestic jurisdiction was narrowing and the principle of non-intervention was being interpreted more flexibly.

The substantial progress of civil and political rights in many regions of the world was obviously a source of great satisfaction. However, he continued, such progress was hardly matched by improvements in economic, social and cultural conditions. There was a real danger that advances in the political sphere would be eroded by poverty and underdevelopment.

Moreover, totalitarian or authoritarian regimes in many countries had left behind them a legacy of hatred, intolerance and prejudice. Such challenges, along with environmental threats and crises of cultural identity, demanded new and often unorthodox responses. By the very nature of its mandate, UNESCO was closely involved in activities linked to the promotion and protection of human rights. For example, it devoted special attention to ensuring the right of all to education, including the removal of the most elementary barrier to such a right -- illiteracy. The UNESCO also fostered in a variety of ways the right to participate in cultural life and scientific progress.

The ultimate goal of UNESCO, he continued, was the creation of a comprehensive system of human rights teaching and education for all, extending from primary through university education to out-of-school education. The organization had also created its own procedure to examine alleged violations of human rights within its spheres of competence. As a result of this procedure, a number of people, including many well known intellectuals, writers, journalists, and human rights defenders, had regained their freedom or had the unlawful restriction of their professional activities or freedom of expression lifted.

Mr. Mayor added that UNESCO could make original contributions to the development of human rights in a rapidly evolving world through work in such areas as academic freedoms. He said he hoped that the World Conference on Human Rights in 1993 would pay due attention to education on human rights and democracy and that a World Decade for this purpose would be proclaimed. In this way humanity should be better equipped to enter the twenty-first century and to fashion a world informed by respect for human rights, a world reflecting not so much a "new order" but rather a "new legitimacy", based on the recognition of reciprocal rights and duties.

Human Rights Violations in Any Part of World

Before the Commission is a report by the independent expert appointed by the Secretary-General in accordance with Commission resolution 1991/51,

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Christian Tomuschat, on the human rights situation in Guatemala. The report states that the main feature of Guatemalan society today is the state of fear in which everybody still lives. Many of the violent crimes committed in 1991, in particular disappearances and murders, clearly have a political background. In rural areas, civilian self-defence patrols and military commissioners have become an element of uncontrolled violence which does not fit into the framework of the rule of law.

The report recommends that a human rights officer could be permanently posted in Guatemala, within the framework of activities of the United Nations Development Programme (UNDP) or the United Nations High Commissioner for Refugees (UNHCR).

Introducing his report, CHRISTIAN TOMUSCHAT said that in Guatemala, human life and physical integrity were not well protected. According to the report of the Human Rights Procurator, there had been 2,439 violent deaths in 1991, among which 553 had been denounced as extrajudicial executions. The phenomenon of impunity for violent crimes cast a threatening shadow over the existence of every person living in Guatemala. Although overall figures of violent crimes committed in 1991 were slightly lower than for 1990, no qualitative, fundamental change had been observed since the coming to power of President Serrano in January 1991.

However, said Mr. Tomuschat, a few positive results could be mentioned. More than 1,000 agents of the police had been dismissed for not presenting the necessary guarantees of trustworthiness. The result was that now roughly 2,000 posts were vacant, mainly because the salary of a policeman was not sufficiently attractive in Guatemala. The budget of the Public Prosecutor's office had been doubled for 1992, and the National Congress seemed to have reached a general consensus on the new Code of Criminal Procedure, expected to be adopted by the end of next month. Hence, in the future, there would eventually be public trials.

At its top level, he continued, the Government did have the sincere will to uphold and strengthen the rule of law, but the specific problem of Guatemala was how to implement and concretize this will so that its effects might be felt at every angle of the governmental machinery. Most extrajudicial killings and disappearances were related, in some way or another, to the armed conflict. The so-called civilian self-defence patrols were already signalled as one of the major sources of violence in Guatemala, given the fact that these patrols, officially named voluntary self-defence committees, had not been placed under a regime of strict accountability. They should be abolished.

The expert said the situation of the communities of population in resistance in the northern part of the department of Quiché continued to deserve special attention. The situation, despite the many difficulties resulting from the armed conflict, was incompatible with the duty of the State of Guatemala to treat all of its citizens on the basis of non-discrimination and equality before the law.

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Statements in Debate

ROMULUS NEAGU, observer for Romania, said his country was young. It had just been reborn and was ready to participate in the work of human rights and in building a modern democracy and a humane State. It was a difficult and complex task and called for international support and assistance from Western democracies and United Nations agencies. Romania's recently adopted Constitution gave a special chapter to human rights and it was establishing laws and mechanisms for protecting human rights and investigating grievances. Local elections were coming up and national elections for a President and Parliament would follow in May and June.

He said Romania appreciated the efforts of the Special Rapporteur, whose report objectively reflected the progress Romania had made, as well as its shortcomings. He assured the Commission that close attention would be paid to the report's conclusions and recommendations.

A. REYN, observer for Belgium, recalled that Special Rapporteur Amos Wako's report on summary or arbitrary executions had detailed the dramatic events that occurred on the Campus of Lumunbashi in the Shaba Province of Zaire. The Belgian authorities had noted that the Special Rapporteur had every reason to believe that the Zairean Government had ordered, or at least authorized, the operations that had led to the deaths of 10 to 12 students and to the serious injury of 34 others.

He said the sentence of the Supreme Court of Justice had not fulfilled the responsibilities of the Government, especially as many questions remained unanswered. He supported the conclusion of the Special Rapporteur that the Zairean Government should reopen its investigation into this matter.

JEAN FRANCOIS DELTEIL, of the World Student Christian Federation, expressed deep concern over the continued deterioration of the human rights situation in Myanmar and South Korea. During recent student demonstrations in Myanmar, about 900 students were arrested just because of their peaceful demand for the release of Nobel Peace Prize winner Daw Aung San Suu Kyi. The country had been under martial law since September 1988 and 4,000 students had sought refuge at the border of Thailand. Appointment of a Special Rapporteur would inform and complement public discussion within the Commission. In South Korea, he continued, the former General Secretary of the Korea Student Christian Federation and an estimated 1,316 political prisoners were still in detention, most of them students and workers.

Trustworthy organizations like Amnesty International had spoken about certain violations of human rights in Cuba and such violations had to be denounced by the international community, but it was also a responsibility of the Commission to speak about the economic embargo imposed by the United States Government which was still causing considerable suffering for the Cuban people.

BRIAN FORBES/JOHN HUMPHREY, of War Amputation of Canada, called on the Commission to deal with the alleged consistent pattern of violations of the

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rights of Canadian prisoners of war by the Japanese during the Second World War. They said it was "hog-wash" for the Commission to have said that it could not act, since it did not deal with matters relating to the Second World War. The Commission should agree that Japan was at fault and that that country should compensate those victims forthwith.

ANNE-CHRISTINE BLOCH, of Minority Rights Group International, said the violation of the human rights of minorities was often one of the early warnings of potential violent conflicts. In East Timor and Tibet, gross violence had been committed over the last decade. Unless the legitimate non-violent demands of these people were supported clearly by the Commission, further violence would be encouraged and regional insecurity would grow. Her group was pleased to see the beginning of the Middle East peace process, but many injustices had to be addressed, such as the demolition of more than 2,000 homes and other buildings, the imprisonment of 15,000 Palestinians without trial, and the uprooting of more than 100,000 olive and fruit trees in punitive raids. There had been thousands of days of curfew and many Palestinians had been killed.

However, she said, there was no international peace process for the Kurds. Much needed to be done to ensure their full and peaceful involvement in Turkish society, but most of the concern had to be for those Kurds of Iraq. Unless the United Nations wished to perpetuate regional insecurity for decades to come, the position of those Kurds must be addressed as a major priority.

DAVID BEYA BATAKALWA, of the Movement against Racism and for Friendship among Peoples, expressed concern about worrisome violations in Western Sahara, including the disappearance of a number of Sahraouis, and the situation in Turkish Kurdistan, where 85 summary executions had been reported in 1991. In Zaire, he said, peaceful demonstrations had ended in violence and the Movement requested that the Commission consider in open session, the systematic human rights violations in that country, with an international commission of inquiry to investigate the Lumumbashi massacre.

SHIRIN PANTHAKI, of Liberal International, said cruelty had been perpetrated against peoples in Burma and Tibet for many years. It was time for the United Nations to act against the oppression. All foreign Governments, notably those of Thailand and China, should cease all arms sales to the region. China should also respect Security Council resolutions and a Special Rapporteur should be appointed to study the situation in the region.

ANNE PARK (Canada) said Canadians had been shocked by the escalating violence in Nagorno-Karabakh and called on all sides to adhere to the principles which they agreed to uphold by joining the Conference on Security and Cooperation in Europe (CSCE). Canada was encouraged by the pledges of the provisional Government in Georgia to respect human rights and hold elections. However, she continued perhaps the most tragic manifestation of renewed nationalism had been seen in Yugoslavia; the efforts of the international

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community would prove useless unless the peoples and Governments of Yugoslavia, Croatia and Slovenia themselves had the will and commitment to resolve the conflict peacefully.

She said the convening of a Middle East peace conference represented an unprecedented opportunity regarding the Palestinian problem. Canada remained deeply concerned about reports of the widespread abuses of human rights in Iraq, in particular the violent suppression of the Iraqi population opposed to Saddam Hussein.

The comprehensive settlement ending the conflict in Cambodia offered the prospect of dramatic improvements. In Afghanistan, the termination of the supply of arms to the combatants was a real cause for hope. She referred to continuing human rights abuses in Kashmir and Punjab, and in Sri Lanka, China, Myanmar and Guatemala. She said Canada was also concerned about the human rights situations in Algeria, Rwanda, Burundi, Zaire, Somalia, Ethiopia, Sudan and Mauritania.

South Africa, she added, had made great strides in human rights in the past year. Canada looked forward to further rapid progress on the outstanding issues.

CELSO L.N. AMORIM (Brazil) noted that discussions had taken place about the so-called politicization of human rights issues. In fact, political motives had played and continued to play a significant role in the establishment of the monitoring mechanisms of the Commission on Human Rights. Brazil had often stated that Special Rapporteurs should not be viewed as political weapons by anybody against anybody.

On El Salvador, he expressed satisfaction about the agreements reached between the Frente Farabundo Marti para la Liberacion Nacional (FMLN) FMLN and the Government of that country. Brazil hoped that peace in El Salvador would have a positive effect on the overall situation in Central America, particularly in Guatemala. He felt that it might have been in everyone's interest, including Cuba's own, had the Cuban Government responded in a positive way to the Special Representative's requests.

S. KOVALIOV (Russian Federation) said the Commission had a list of countries which elicited the concern of the international community. On South Africa and the Middle East, he said circumstances there could not justify human rights violations by those fighting the Governments of Israel or South Africa.

As for the role of the international community in dealing with violations, he said that concerted action had led to the defeat of a criminal régime and to the liberation of Kuwait in 1991. But would not the entire situation have been avoided if the Iraqi Government had been condemned earlier and sanctions imposed?

Action had to be taken now, he said, with respect to a number of countries, including Haiti, Sudan, Zaire, and in particular, Myanmar. Some

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countries where human rights violations took place had dictatorial regimes whose efforts were aimed at staying in power. Another group comprised countries where dictatorial regimes had been deposed and where the democratic infrastructure were not fully developed. He said Russia could be said to be in this group.

There was yet another group, he added, where democracy was fairly well-developed, but where there were problems with regard to ethnic minorities, xenophobia and ethnic prejudice. The human rights violations rooted in nationality and religious conflicts in parts of Russia was increasing. These were problems typical of underdeveloped countries. They illustrated the importance of economic support for those countries which had undertaken to effect democratic reform.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/334
27 February 1992

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON VIOLATIONS ANYWHERE IN WORLD

GENEVA, 26 February (UN Information Service) -- The Commission on Human Rights this morning heard some of its members and observers express their concern over the state of human rights in southern Lebanon, the occupied Arab territories, Tibet, Iraq, Iran, Afghanistan, Sri Lanka and East Timor. These statements came as the Commission continued to examine the question of human rights violations anywhere in the world.

The situations in these countries and territories have all been the subject of studies or reports by the Secretary-General or by representatives of the Commission. Also being considered under this agenda item are summary r arbitrary executions and mass exoduses.

Taking part in the debate this morning were representatives of Australia, Syria, Liechtenstein, Switzerland, Zaire, Holy See, Democratic People's Republic of Korea, Finland and Republic of Korea, and also of the International Council of Voluntary Agencies, a non-governmental organization.

Yugoslavia, Iraq, Turkey, Cuba, India and Philippines exercised their right of reply.

Statements in Debate

RON WALKER (Australia) said that while Australia welcomed the positive developments in the observance of human rights in the independent States of the former Soviet Union, other developments, in both the former Soviet Union and other parts of Europe, were a continuing cause for concern. Southern and Central America was another region where, despite positive steps taken by many Governments to enhance the observance of human rights, continued vigilance was required.

He said Australia urged the Government of Iran to continue its cooperation with the Commission's Special Rapporteur and believed that the situation in Iran, Iraq and Afghanistan required renewal of the mandates of the Special Rapporteurs and Representative. Although Australia acknowledged

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Israel's genuine security concerns, it believed that the Israeli Government should abide by its obligations under international law. The Australian Government had deplored certain practices such as deportation.

He also referred to continuing concern over the serious human rights situations in Sri Lanka, East Timor, and Myanmar.

CLOVIS KHOURY (Syria) said Israel had disregarded a resolution adopted by the Commission at its last session on the human rights situation in southern Lebanon. Israel continued to practise terrorism against the population of the area. It had recently attacked southern Lebanon leading to the deaths of civilians, the exodus of thousands and the injury of United Nations personnel. Israel's behaviour must be strongly condemned by the Commission.

He said Syria, which had historical ties of friendship with Cyprus, supported the good offices mission of the Secretary-General in the island. Only a settlement guaranteeing the sovereignty, territorial integrity and independence of Cyprus would be lasting.

CLAUDIA FRITSCHE, observer for Liechtenstein, said democracy, popular participation in political decision-making (not least by women), the rule of law and the respect for human rights were indispensable to a civilized society. It was deplorable that human rights were still being violated all over the world, and Liechtenstein therefore supported the proposals submitted by Austria and Costa Rica, respectively, for an emergency mechanism and for the elaboration of an Optional Protocol to the Convention against Torture.

JEAN-DANIEL VIGNY (Switzerland) said he was struck by the proliferation of ad hoc solutions to human rights violations which were meted out according to the country's political clout. This was contrary to the principle of the universality of human rights.

He said Switzerland called for the establishment of a mechanism to establish the needs for protection of refugees which would also lock into the reasons for their flight. It also supported Austria's suggestion for a mechanism to respond quickly to grave human rights violations.

KIKANKE MUTUALE, observer for Zaire, said he welcomed the opportunity to provide clarification on the human rights situation in his country. Openness, transparency and cooperation by the Government with the Human Rights Commission were the guidelines Zaire followed. With particular reference to the events at Lubumbashi in May 1990, a Commission of inquiry had been set up. Its report clearly showed that it had been unsparing in its criticism of obstacles to the investigation; the Commission's conclusion had established several facts regarding the reprehensible conduct of the highest authorities of Shaba Province.

He said the Government wanted frank cooperation from all sides in order to establish what had transpired at Lubumbashi. The Supreme Court had handed down severe sentences and had imposed heavy fines on officials of Shaba Province. The report of Special Rapporteur Amos Wako was the result of a

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third major investigation into the events. Some aspects required further investigation and the judicial case had not yet been closed. All this demonstrated Zaire's good faith regarding elucidation of the affair. Zaire might not be a paradise for human rights, but then again, which country was? Despite the economic crisis, Zaire had made considerable efforts and it was open to assistance.

CHRISTOPHER PIERRE, observer for the Holy See, recalled that Pope John Paul II had called for an ongoing dialogue of all responsible and concerned people over the situation in East Timor. The Holy See had intervened following the shooting last November, and had conveyed its feelings to the Indonesian authorities.

He said African countries were increasingly turning to a fairer organization of their State structures. This process was not always peaceful, and was sometimes based on distrust which could end in violence. The Holy See associated itself with the complaint of the Bishops of Zaire on the bad treatment to which peaceful citizens had been subjected on 16 February.

KIM SU MAN, observer for the Democratic People's Republic of Korea, said that with the end of the East-West confrontation and the cold war, the confrontation in human rights should also disappear. However, there was now a trend towards North-South confrontations.

Each country, he said, adopted different measures to protect and improve human rights. Historically, Koreans used spoons and chopsticks to eat rice. If someone forced them to eat only bread, with forks and knives, Koreans would neither like it nor accept it. Genuine human rights in any country could be protected and improved only when freedom and democracy became social realities.

Who could call a society free and democratic when full of injustice, social evils, disturbances and terror, and where many persons were killed and millions were unemployed? In the United States, 23,700 persons had been murdered in 1991 alone. This was something like an undeclared war. Only the society itself could improve human rights in such a situation.

VEIJO K. SAMPOVAARA (Finland) said Iraq should comply urgently with the recommendations of the Special Rapporteur on the situation of human rights in occupied Kuwait, and provide information on persons who had disappeared during the occupation of Kuwait and in its aftermath. He called on the Government of Iran to cooperate with the Special Rapporteur in a constructive manner on the position of the Baha'is in Iran, who continued to be subjected to arbitrary arrests and detentions. He said human rights violations both by the Government and its opposition continued in Afghanistan.

Finland, he said, welcomed the peace accord in El Salvador. Guatemala was an example of a country with a democratic government unable to exercise effective control over its army and law enforcement agents. As Sri Lanka ranked number one on the list of countries where enforced or involuntary disappearances had occurred, he urged the Government to take effective

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measures to prevent them. The news of last November's massacre last November in Dili, East Timor, had shocked the world. Finland urged the Indonesian Government to allow a truly independent inquiry. On Cuba, he regretted that it was impossible for the Special Representative to carry out in full his mandate.

The representative of Finland also spoke of human rights violations in Nyanmar and Tibet, and expressed concern at the recent escalation of violence in southern Lebanon.

SOO GIL PARK, observer for the Republic of Korea, said efforts to improve the protection of human rights in his country had been vigorously pursued, particularly since the inauguration of the popularly-elected government in 1988. However, there were still totalitarian régimes that had yet to respond to the inexorable march of history.

The international community should spare no effort in helping nations facing political and economic chaos in the course of democratization. Economic development assistance to the developing world might prove important to prevent future human rights abuses. Western liberal democracies must also keep their eyes open to the potential for human rights abuses in their own societies.

The statement made by a non-governmental organization regarding the "comfort women" drafted by the Japanese authorities during the Second World War had awakened the basic conscience of humanity. On the other hand, the statement by another non-governmental organization alleging the death of 30 Korean prisoners per year was wholly false.

DELMAR BLASCO, observer for International Council of Voluntary Agencies, expressed concern over the situation in a number of African countries. He said there were over 6 million refugees in sub-Saharan Africa, along with millions of displaced persons. The situation in Liberia was still "horrendous". The Commission, he said, should help put an end to the fratricidal conflict in Somalia.

On Bangladesh, he said the Commission should investigate human rights violations in the Chittangong Hill Tracts. As for East Timor, it should ask for the release of all political prisoners in Jakarta and Dili. It should also request protection for refugees fleeing the situation in Myanmar. He said his Council was also concerned about the situation in Sri Lanka and over the treatment of Tibetan refugees. Turning to Latin America, he said the situation in Guatemala, Haiti and Peru were sources of serious concern. His Council was deeply concerned with the deterioration of asylum conditions in Europe. In Iraq, the Government continued to trample on the rights of minorities. There were grounds for concern about the situation of Palestinians in Kuwait and over the treatment of Palestinians by Israel.

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Rights of Reply

ZIVOJIN JAZIC (Yugoslavia), responding to a statement by Albania on alleged violations of the human rights of Albanians in Yugoslavia, he said, the Serbian Constitution of September 1990 more than adequately protected the rights of all those living in Kosovo and Metohija, which constituted an integral part of Serbia. The essence of the problem was the aspiration of Albanians to create a separate republic in Kosovo, with a view to secession from Yugoslavia and accession to Albania.

MOHAMMED HUSSEIN (Iraq) said the statement of the Minority Rights Group on the Kurds of Iraq had been based on the non-neutral report of the Special Rapporteur. Those allegations aimed to spread terrorism all over the world. Iraq was being used as an experiment for all that was new in human rights. The non-governmental organization had disregarded the existence of the statehood of Iraq. Iraq would defend its rights, integrity and sovereignty against all who would attack it. He invited the Hungarian delegate who had claimed gross violations of human rights of the Kurds to extend his support to Iraq. What was happening in that region was the responsibility of another Government which was "playing the Kurdish card".

FERHAN ERKMENOGLU, observer for Turkey, said the representative of Amnesty International had referred once again to a so-called Workers' Party, which in reality was a cover-up for terrorist activities. Amnesty International had not even once mentioned democracy, which was sweeping middle and eastern European as well as ex-Soviet Republics. Despite claims to the contrary, Amnesty International did not oppose abuses irrespective of the entity which committed them. Thus abuses committed by "armed opposition groups" would not be considered as human rights violations, but as a breaches of humanitarian law.

RAUL ROA KOURI (Cuba), referring to statements by Austria, Brazil and the Russian Federation among others, said that Cuba could not cooperate with the Special Rapporteur because the Commission's resolution 1991/68 was totally invalid, as it had been adopted under the influence of the United States. Despite this, Cuba maintained contacts with the Secretary-General and the Centre for Human Rights and it also maintained scrupulous respect for human rights. Austria's comments had caused the Cuban delegation to declare once again that no State, under the Charter, could interfere in the sovereign and internal affairs of any country under the guise of humanitarian affairs.

V.N. GADGIL (India) said he regretted the "gratuitous" remarks of the Canadian delegation regarding India. To describe the terrorist groups in Kashmir as anti-government forces was to condone the murders, kidnappings, rapes and other pernicious violations committed by them.

RUTH LIMJUCO (Philippines) said the vigilance of the non-governmental organization, FIDH, was commendable especially in its comments on internal displaced persons in the Philippines. The Government was continuing to make all efforts to help the victims of the violence caused by the insurgency. The Philippine Government adhered to many international instruments on human

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rights protection, and it was forced to use a large part of its budget to deal with the insurgency problem. She called for a more balanced picture of the insurgency problem to be given, with more information on the acts that the insurgents carried out against Filipino soldiers.

RAUL ROA KOURI (Cuba) said it was surprising that the representative of Finland had demonstrated such an ignorance about the situation in Cuba in asking for the release of persons being held because of their political opinions. Only individuals who had broken the law were imprisoned.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/335
28 February 1992

MEMBER OF COUNCIL OF STATE OF CUBA ADDRESSES HUMAN RIGHTS COMMISSION, CALLS FOR FOCUS ON SITUATION OF WORLD'S CHILDREN

Debate Continues on World-wide Rights Violations

GENEVA, 27 February (UN Information Service) -- The international community must focus its attention on the worsening situation of children in the world, the Commission on Human Rights was told this afternoon by Vilma Espin de Castro, Member of the Council of State and President of the Commission for Women's, Youth and Children's Affairs of the National Assembly of Cuba.

Ms. de Castro said the world was witnessing a situation in which children were involved in the traffic and consumption of drugs, in which the sale of children and of children's organs had been seen, and in which children were being murdered.

Her remarks came as the Commission took up the issue of children's rights. The group also heard the introduction of a report on the sale of children by Special Rapporteur Vitit Muntarbhorn. Jan Martenson, Under-Secretary-General for Human Rights, noted the widespread acceptance of the International Convention on the Rights of the Child, which has been ratified by 109 countries and signed by 34 others.

Taking part in the Commission's continuing debate on the question of human rights violations anywhere in the world were the representatives of El Salvador, Iran, India, Barbados, Cuba, Madagascar, China, Chile, Japan, the Netherlands, Yugoslavia, Poland, Turkey and Albania, and of the following non-governmental organizations: Service, Justice and Peace in Latin America; International Federation for Action of Christians for the Abolition of Torture; the International Union of Students; and the African Association of Education for Development.

Mexico, Syria, Morocco, Cuba, Cyprus and Turkey exercised their right of reply.

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For information media—not an official record

Statement by Member of Council of State of Cuba

VILMA ELPIN DE CASTRO, Member of the Council of State and President of the Commission for Women's, Youth and Children's Affairs of the National Assembly of Cuba, said that a few months ago Cuba had drawn the attention of the international community to the worsening situation of children around the world. Children were involved in the traffic and consumption of drugs; during the last few years, the sale of children and of their organs had also been seen and children were also being murdered. It was necessary to bring up these issues at the Commission.

When the people had taken power in Cuba 33 years ago, the first goal was to attain a better standard of living, particularly for children and the family. Health and education for all were objectives women had taken an active part in achieving.

She said Cuba's achievements in health, education and employment had been acknowledged by everyone. It could vie with developed countries in various fields, thanks to its internationalist work in all areas of development.

Cuba was suffering from the economic crisis. The economic embargo and the cut-off of assistance from the so-called "socialist" countries had aggravated the situation. However, the country was overcoming its difficulties. When one saw the development of tourism, it was evident that people were looking for pollution-free areas, which Cuba could offer. New industries were also being developed, such as pharmaceuticals. The years ahead would not be easy, but Cuba would continue to offer the help it had always given to other countries, so that the poorest areas could be given priority.

She said the language used at the Commission was often far from reality. What was needed now was not rhetoric, but action. She hoped her statement would be seen as an appeal to all Governments, international organizations and non-governmental organizations to give thought to finding solutions to the problems of women, children and families. She said the message from Cuba, which had attained such progress despite the economic embargo and the worsening economic situation, was that great things could be achieved.

Children's Rights

Opening the discussion of children's rights, JAN MARTENSON, Under-Secretary-General for Human Rights, said children constituted nearly half of humanity and efforts to promote human rights in general had to begin with their rights. There was unfortunately a stark contrast between international human rights norms and the way children lived the world over. In 1989, the United Nations had taken a major step forward in addressing the situation of children with the adoption of the Convention on the Rights of the Child.

Mr. MARTENSON said the Convention, more than any other single treaty, incorporated the whole spectrum of human rights -- civil, political, social

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and cultural -- and made clear that respect and protection of all the rights covered were required for the full development of the individual in an atmosphere of freedom, dignity and justice. A total of 109 States had become parties to the Convention and 34 others had signed it. These remarkable figures were a heartening sign of the widespread commitment to promoting and protecting the rights of the child.

Mr. MARTENSON recalled that under this agenda item, the Commission would also be looking at the sale of children, child prostitution, child pornography and adoption for commercial purposes.

A report on the sale of children, submitted by Special Rapporteur Vitit Muntarbhorn, declares, among other things, that States should forbid the use of child soldiers; that the responsibility of customers of child prostitutes should be advocated; that sex tourism should be discouraged; and that the service sector, including tourist agencies, should act more responsibly on this issue in their dealings with their customers.

It also states that consumer responsibility for child pornography should be established, which should include the liability of those who possess pornographic performances. Counselling and rehabilitation facilities is recommended for both the abused and the abuser. The Special Rapporteur also recommends that traffic in children for pornographic purposes should be investigated more closely and eliminated accordingly. There was a close relationship with the transcontinental movement of tourists and migrant workers; the supply and demand factors open up numerous avenues for child exploitation.

In an addendum to his report, the Special Rapporteur informs the Commission of his visit to Brazil in January. The report calls for more registries of adoptions to prevent the sale of children. Government sources estimate that some 10,000 children had left Brazil in the past years, not all of them legally. Although Brazilian law provides protection against exploitation of child labour, the practice is often otherwise. Bearing in mind the multitude of street children who are potientially or actually child labourers, the numbers were daunting. The issue of killings and other assaults of Brazilian street children per se was beyond the purview of the report, says the Special Rapporteur. None the less, he invited national and international agencies to take a greater interest in this issue. Stronger measures were also required to implement existing laws protecting child prostitutes in Brazil. Tourist agencies should be called upon to counter the transnationalization of child prostitution.

The report says the causes of child pornography are socio-economic and cultural, criminal and psychological. The causes of child prostitution might ultimately become the causes of child pornography and vice versa. Usually, child pornography was prohibited, but there was a problem concerning the standard of proof.

Introducing his report, Special Rapporteur VITIT MUNTARBHORN said adoption for commercial purposes had evolved into an international and

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transnational phenomenon since the end of the Second World War. Particularly since the 1950s, there had been an increasing flow of children from developing countries to developed countries. There was a close relationship between the sale of children and child labour exploitation. A continuing problem was debt bondage, whereby the services of children were pledged by the parents in payment of debts, despite legislation to the contrary.

Regarding human organ transplantation, he stated that the matter was probably the most sensitive of all those involving the sale of children. The matter was riddled with allegations. Eternal vigilance was essential, and facts were hard to find. Joint action was necessary between law enforcement agencies, medical authorities and other entities at both the national and international levels.

As for child prostitution, Mr. MUNTARBHORN said this was not only a dilemma of developing countries. In some areas of the world, clients were opting more and more for younger prostitutes in the belief that they were less likely to have acquired immunodeficiency syndrome (AIDS).

Human Rights Violations Anywhere in World: Statements

PABLO FREDERICK, observer for Service, Justice and Peace in Latin America, speaking on behalf of the National Human Rights Coordinating Office of Peru, said that last week the Commission had been told by the Minister for Foreign Affairs of Peru that there had never been a policy of systematic human rights violations in that country. But what could be surmised, he asked, of a country which had occupied for the last six years first or second place in the number of disappeared detainees? The human rights community of Latin America rejected all forms of terrorism including that of the Shining Path, but barbarism should not be used to fight barbarism.

HELEN MACK, for the same organization, said her sister had been killed in Guatemala after she had conducted a study on the population affected by the war there. All the machinery of the State had acted perfectly to intimate that her killing had been her punishment for crossing a forbidden line. International pressure on Guatemala had to be reinforced. A special representative should be named.

HALMI FAUZI, observer for the International Federation Action of Christians for the Abolition of Torture, said authorities in Indonesia talked about abandoning the "security approach", thus admitting that this type of approach had been dominant so far. It was this which was the basis of the gross human rights violations occurring in Indonesia: disappearances, extrajudicial killings, arbitrary arrests and large-scale torture. Only a tiny fraction of arrested people ever appeared in court. There should be a system of regular visits to all places of detention by an independent authority, a recommendation the Commission should give serious consideration to implementing.

MANISH TEWARI, observer for the International Union of Students, said the Government of the Czechoslovakia, specifically the Federal Ministry of the

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Interior, had decided to withdraw permission for the Union to have its headquarters and be active in the Republic. But it had totally failed to substantiate the claim that the Union had violated its mission. It was a purely political decision which contradicted the Universal Declaration of Human Rights and other international instruments. He said the Union appealed to the Commission to take up the matter and persuade that Government to reconsider its decision.

CARLOS ERNESTO MENDOZA, observer for El Salvador, said the report on the human rights situation in his country reflected the new era of hope, after the signing of the peace accords. The aim was to end the armed conflict quickly and to foster democracy. A human rights agreement was subsequently signed by the two sides. Constitutional reforms were sought and agreed upon, and then submitted to the legislative assembly, which adopted and modified them.

He said there was the reality of human rights in El Salvador. The National Commission for the Consolidation of Peace had a mechanism for assuring the agreements were observed. The participation of the new United Nations Secretary-General, Boutros-Boutros Ghali, in supervising the peace accords brought honour to the Salvadorian Government.

C.M. EYA NCHAMA, observer for the African Association of Education for Development, said that Equatorial Guinea's human rights record was very sad. The citizens of that country were hostages of the de facto President and Prime Minister. The people did not have the right to leave the country. For a number of years, the opponents to the dictatorial regime lived clandestinely in the country or were in exile. In order to be legalized, political parties had to pay $165,000 in bail.

Despite the intercession of the international community, he added, the authorities of Equatorial Guinea continued to torture citizens. As shown in the report to the Commission of Fernando Volio Jimenez, the human rights situation in that country had worsened.

KIA TABATABAEI (Iran) said the report submitted by the Special Representative on the situation in Iran manifestly indicated marked and verifiable progress in the promotion and protection of human rights. Like its two precessors, it dispelled the myth of massive and gross violations of human rights. Iran believed in the sanctity of human life; its dilemma was how to reconcile this conviction with its struggle against drug trafficking. International drug traffickers were engaged in an actual war; they killed border guards, drug enforcement officers and even civilian bystanders. Such a drastic situation had necessitated drastic, albeit temporary, measures, including deterrent executions.

He said recommendations in the report had been either implemented or were undergoing the necessary legislative process, but even in cases where full implementation of a recommendation had occurred, the Special Representative had introduced new subjective elements to question the achievement. One recommendation was for the mandatory presence of defence counsel. Last year, a law had come into force nullifying any and all court decisions adopted

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without the presence of defence counsel. Another recommendation related to prison visits by the International Committee of the Red Cross (ICRC). Several teams of ICRC experts continued to carry out prison visits inside Iran.

V.N. GADGIL (India) said that to expect in democratic States that international obligations should take precedence over constitutional responsibilities to the people was to dilute the very concept of democracy. It was for each Member State of the United Nations to adhere to international instruments of human rights. The Commission should contribute to the creation of conditions conducive to widest possible realization and enjoyment of all human rights. Threats or sanctions were not the best way to achieve this. Respect for human rights and fundamental freedoms was a process of evolution rarely smooth, often slow and sometimes painful.

He said that India recognized that there had been some positive developments in South Africa in the recent past, but called for international vigilance and pressure to continue until such time as all the people of South Africa were able to live together as equal citizens. He also spoke of human rights situations in Fiji, Cyprus and Myamnar. On the Middle East, he said India was convinced that there could be no durable peace without a just settlement based on the inalienable rights of the Palestinian people to a homeland.

FAITH MARSHALL-HARRIS (Barbados) said her country viewed with growing concern and sorrow the developments in Haiti, where democratic advances had been ruthlessly destroyed by the military coup of 29 September 1991. Since then there had been severe repression of supporters of the elected Government, extra judicial executions, arbitrary arrests, detentions without trial and the use of torture. It was incumbent upon the Commission to do all in its power to arrest the desperate human rights situation in Haiti. It was for situations such as these that one considered an emergency mechanism, and the initiative of the Government of Austria to create one was to be applauded. She recommended that a Special Rapporteur be appointed for Haiti.

RAUL ROA KOURI (Cuba) said his country had continued to grow despite the hostility of the United States, which had imposed an economic blockade since 1961, whose cost to Cuba had been at least $15 billion. Economic development and progress on public health none the less had been enormous. He said the United States had pressured companies to cancel contracts with Cuba, and had also sent terrorists to Cuba. Were not these actions violations of international human rights instruments? he asked.

He also spoke of the human rights situation in Cyprus, Guatemala, Cuba, El Salvador and Haiti where, he said, democracy should be restored.

NORBERT RATSIRAHONANA (Madagascar) said that while it was difficult to verify the veracity of the statements of non-governmental organizations, their impartiality and objectivity could not be disbelieved. Along with the work of the Centre for Human Rights and the Special Rapporteurs, they informed delegates on human rights violations around the world. Mainly responsible were undemocratic Governments who could not tolerate critics or opposition.

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He said Madagascar had gone through unusual turmoil last year. Strikes has paralyzed the public sector for months, and there had been daily demonstrations. For six months there had been, in effect, two governments. Fortunately, all this had taken place in relative calm, and new structures had been created to prepare the way for the third Republic and a new constitution. A referendum had been scheduled for the end of June.

FAN GUOXIANG (China) said that despite all accusations, the Chinese people had never enjoyed human rights and freedoms to such an extent as they did today. Criminal acts which endangered State security were punishable in all countries. China endorsed the promotion of human rights and fundamental freedoms, but it would reject any interference in the internal affairs of other States under the guise of safeguarding human rights.

Last year, he said, the East China region had been hard hit by catastrophic floods, leaving more than 100 million victims. A population of 100 million was equivalent to nearly half of the United States, to the whole of Japan, or to the combination of the United Kingdom and France. Thanks to the joint efforts of the Chinese Government and people, no one had died of hunger and there had been no spread of epidemics or of infectious diseases. The Chinese people were not materially rich, but they were rich in their courage to resist any unjustified outside pressure.

FELIPE PORTALES (Chile) said the constant efforts of the Commission, through the nomination of ad hoc groups or of Special Rapporteurs, had played a positive role in fostering respect for human rights and in the process of restoration of democracy in Chile. Nobody liked to be criticized; however, criticism created room for improvement. How many times had the Commission heard people trying to refute violations of human rights, attributing them to campaigns orchestrated by international communism or by imperialism? The striking democratic progress experienced throughout the world in these last few years would fortunately relegate expressions of this type to the memory of periods happily left behind.

KATSUMI SEZAKI (Japan) said Japan could not associate itself with the argument that discussing the situations of other countries was an interference in their internal affairs.

On situations in different parts of the world, he said Japan earnestly hoped for negotiated political solution of the conflict in Afghanistan to bring to all the Afghan people, including refugees, full enjoyment of their human rights as soon as possible. Japan regretted that the Special Rapporteur to Cuba had not been able to carry out his mandate due to the lack of cooperation of the Government. He hoped that under the leadership of the new Secretary-General, the process for peaceful negotiation in Cyprus would be accelerated and Japan hoped that China would respond to the expectations of the international community by improving the situation with regard to democracy and respect for human rights. He also welcomed the peace agreements in El Salvador and said Japan appealed to the Government in Guatemala and

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other parties to speed up efforts towards ending their conflict. He also expressed concern over the human rights situations in East Timor, Sri Lanka, Iran, Chad, Somalia, Sudan and Zaire.

PETER H. KOOIJMANS (Netherlands) said his delegation was well aware that the problem of impunity was a delicate one. Without under-estimating the legal difficulties in regulating individual responsibility and State responsibility for human rights violations, he nevertheless felt that the international instruments on human rights and action taken by the United Nations offered certain guidelines. He noted that in 1989 the Economic and Social Council had adopted a resolution which, among other things, said that in no circumstances, including a state of war, siege or other public emergency, should blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions. How could human rights norms be credible if violators were not brought to trial.

ZIVOJIN JAZIC (Yugoslavia) said that in spite of Yugoslavia's present crisis, the country remained firmly committed to the promotion of human rights and fundamental freedoms in all countries without exception. Yugoslavia's recent experience had shown that a fundamental connection existed between the overall stability of a country and the maintenance of a high level of respect for human rights. At the same time, it should be borne in mind that legitimate concern for human rights should not be misused for political purposes, including foreign interference disguised as alleged concern for those rights.

He said the solution of the crisis in Yugoslavia remained the primary responsibility of the peoples and republics of Yugoslavia. Hungary's statement to the Commission had contained unjustified accusations. It was well-known that the minority rights of Hungarians in Yugoslavia exceeded the highest international standards in this field. That could not be said about the rights of the Yugoslavian minority in Hungary.

The Austrian statement, he said, also contained one-sided allegations and judgements. That was particularly misplaced now that the armed conflict had stopped, and efforts were under way for a just and peaceful political solution of the crisis.

ROMAN WIERUSZEWSKI, observer for Poland, said the peoples in Eastern and Central Europe were searching for new institutional arrangements adapted to their traditions and expectations. He suspected that disillusionment associated with tough economic and social problems would effectively dissipate a great deal of original enthusiasm, and create a new threat to the realization of human rights. The international community should be aware that the removal of some causes of human rights violations could under certain circumstances lead to a creation of new threats of a different character.

HALUK ILICAK, observer for Turkey, said he sensed that everyone had already had enough of the perpetual conflict of Cyprus. In view of the recent history of the island, Greece and the Greek Cypriots should understand that it was futile to expect to go back in time to restore the pre-July 1974 situation

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in Cyprus. A just and honourable solution was possible, provided that the legitimate rights and security of the Turkish Cypriots were ensured. Since the adoption of Security Council resolution 649 on 12 March 1990, the Cyprus question had entered a new, and perhaps final, phase. Cyprus should be considered as the common home of Turkish and Greek Cypriots, not as a part of the "eternal homeland of Hellenism".

KADRI CENKO, observer for Albania, said it would soon be two years since Albania had begun its evolution into a country based on democracy, liberty, human dignity and the primacy of human rights. Political pluralism was now encouraged, special laws guaranteed freedom of expression and of assembly and freedom of religion had been re-established and churches could now function normally. A special parliamentary commission would oversee protection of fundamental human rights.

The rights of minorities were a concern, but Albania would respect them, and all other citizens would share equally the benefits and burdens of the country's transition.

Rights of Reply

ELEAZAR RUIZYAVILA (Mexico) said his delegation respected the right of all non-governmental organizations to participate in the Commission, but it did not respect that right if the non-governmental organizations presented outdated, unfounded allegations. There had been political manipulations and invented figures in the statement on the issue of disappearances in Mexico. There had been no political assassinations in Mexico. The isolated cases of torture had been investigated, and those had been punished. A new law had reduced the number of cases being brought before the National Commission for Human Rights.

CLOVIS KHOURY (Syria) said Canada and the Russian Federation had expressed concern for the human rights of religious minorities in Syria. He said Syria had consistently stated that the human rights of minorities were respected, and a report on the subject had been presented to the Commission. Some people set themselves up as human rights arbiters, but Syrians had their own culture and did not need such meddling in their affairs.

MOHAMMED HOURORO, observer for Morocco, said that once again the partial approach of non-governmental organizations had to be noted. The claim that Saharan people had "gone missing" in Morocco had been investigated by the Moroccan authorities. In some cases those people had been found in POLISARIO camps. For those who wished to know the truth, the Moroccan delegate could show that torture was occurring in the Tinduf camp, which was under POLISARIO control. That had not been mentioned by any non-governmental organization.

JUAN FERNANDEZ (Cuba) said Japan had expressed regret at the lack of Cuba's cooperation with the Special Rapporteur. The delegation of Japan did not discuss the fact that the resolution establishing the Special Rapporteur for Cuba was discriminatory and that Cuba considered the resolution null and void and would never cooperate with it. Cuba would continue to cooperate with

the Commission, however, and had filed responses to questions about human rights in Cuba available for anyone to see.

VANIAS MARKIDES (Cyprus) said he was amazed to hear the Turkish delegate say that the international community had had enough of the Cyprus conflict. The people of Cyprus were the ones who had had enough -- not the international community. Sadly, the latest information concerning contacts with the Secretary-General had been inconclusive. In an effort to justify partition, the Turkish delegate had referred to two peoples. This was a contemptuous rejection of Security Council resolutions.

HALUK ILICAK (Turkey) said the Greek Cypriot representative had tried as usual to deflect attention from the core problem of the human rights of Turkish Cypriots, whose right to life itself was threatened. Expulsion of the Turkish Cypriots from their homeland was the official policy of the Greek Cypriots.

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United Nations

Press Release

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HR/CN/336
27 February 1992

PRESIDENT OF HAITI CALLS ON HUMAN RIGHTS COMMISSION TO TAKE STRONGER STAND ON GOVERNMENTS IN POWER THROUGH FORCE

Commission Also Hears Statements by Tunisian and Polish Ministers

GENEVA, 27 February (UN Information Service) -- President Jean-Bertrand Aristide of Haiti declared this morning that the Commission on Human Rights must take a stronger stand against Governments that came to power through the force of arms.

Mr. Aristide said that some of the 20,000 people who had fled overseas after September's putsch in Haiti had been put in camps reminiscent of the slave trade. Forced repatriation, he added, could be considered an act of racial discrimination.

Also this morning, the Commission heard from Nabiha Gueddana, Secretary of State for Social Promotion of Tunisia, who said her country had started the teaching of human rights in schools to ensure that a mentality of tolerance would be disseminated among future generations. The Under-Secretary of State for Foreign Affairs of Poland, Andrzej Kostarczyk, said that recent global changes had exposed conflicts, ethnic strife, economic unequalities, disregard for human rights and environmental threats to the planet. Poland had found that ensuring full enjoyment of human rights presented obstacles which could not be overcome without the assistance of the international community.

Continuing its debate on human rights violations in any part of the world, the Commission heard statements from the representatives of Panama, Estonia and Bolivia. Cyprus, Japan and Turkey exercised their right of reply.

Statement by President of Haiti

JEAN-BERTRAND ARISTIDE, President of Haiti, said that on 30 September 1991, a general had crushed the will of a people and interrupted Haiti's seven-month-old democracy. Although 85 per cent of Haiti's citizens were illiterate, they were not stupid. They were able to see the path to peace and democracy. They had established a democracy only to lose it to the weapons of a general, and they wanted it back.

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For information media--not an official record

All the world must join to say "no" to the general, Mr. Aristide said. The military government had used arms against defenceless citizens. It had violated rights of freedom of expression and movement, had practised rape and torture, and had killed over 2,000 people, all because of one man and his weapons.

The current military Government had proved worse than the Duvalier dictatorship. Some 300,000 people had had to flee the putschists. Over 20,000 had braved the ocean in search of safety, and were receiving varying responses from other countries, including the United States. Some of those refugees were considered political refugees, others had been put in camps reminiscent of the slave trade. Those refugees expected a reply from the world. Forced repatriation of Haitian refugees was a violation of the International Declaration of Human Rights, said Mr. Aristide, and it could be argued that it was an act of racial discrimination.

The Commission must demand the punishment of those responsible for the loss of human life in Haiti, he said. Haiti sought justice, not revenge. He called for the appointment of a Special Rapporteur to investigate human rights violations under the putschists. He also invited the Special Rapporteurs on torture and arbitrary executions and the Working Group on Arbitrary Dententions to visit the country as soon as possible to investigate what had happened.

If the Commission was truly to support human rights, it must take a stronger stand against governments that came to power through force of arms. Haiti was grateful that the Commission and the international community had refused to recognize the illegal Government of Haiti.

Statement by Tunisian Secretary of State for Social Promotion

NABIHA GUEDDANA, Secretary of State for Social Promotion, Ministry of Social Affairs of Tunisia, said the social infrastructure in Tunisia was based on the happiness of children from birth. The rights of the child had been protected, both within and without the family, by law since independence. Health and education provisions in the State budget ensured that Tunisian children enjoyed their proper place in society.

Three years ago the President had set up a Ministry for Children's Affairs. New subjects had been taken up in schools including human rights. Social affairs offices in schools helped children to overcome obstacles and guaranteed them equal access to educational and psychological success.

Ms. Gueddana told the Commission that Tunisia had ratified the Convention on the Rights of the Child and had taken part in the World Summit for Children. However, the international community had to solve the debt problem, as indebted countries had special difficulties in meeting the crucial needs of their children.

She said the children of the territories occupied by Israel were suffering a very particular tragedy, and she appealed to the international

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community to affirm its will to allow Palestinian children to lead a decent life on their own territory.

Statement by Under-Secretary of State for Foreign Affairs of Poland

ANDRZEJ KOSTARCZYK, Under-Secretary of State for Foreign Affairs of Poland, said recent global political changes had exposed ethnic strife, political and economic inequalities, disregard for human rights and environmental threats to the planet. The problem of the protection of national minorities had to be reconciled with full observance of human rights and political and civil liberties.

He said Poland had found that the verification of compliance with United Nations human rights standards was an arduous task and ensuring the full enjoyment of those rights presented obstacles which could be overcome only with the assistance of the international community.

On the principle of non-intervention, he said the forthcoming World Conference on Human Rights should reflect on the principle of sovereignty harmonized with the need to respect the emerging new universal morality.

Regarding new institutional mechanisms to safeguard respect for standards already established in the promotion of human rights, Mr. Kostarczyk emphasized that implementation was the key. He called for a broadening of the procedures in the direction of prevention in the human rights sphere and suggested a system of regular and ad hoc fact-finding visits of experts, and the development of the "special rapporteurs good offices" systems.

Other Statements

OSVALDO VELASQUEZ, observer for Panama, said systems that flouted human rights were gradually withering away. Such changes had occurred peacefully, although it was troubling that economic problems had been encountered. The Republic of Panama, emerging from a long period of military dictatorship, was encouraged to see the peace accord signed in El Salvador. The involvement of the United Nations and the Organization of American States (OAS), had been helpful in this respect.

He said Iraq's refusal to comply with Security Council resolutions had led to the Gulf war. No country should ignore the peaceful aims of the United Nations. He lamented the refusal of Cuba to cooperate with the Special Rapporteur. Countries such as Cuba, he said, which had signed United Nations instruments, had a particular responsibility to cooperate with the Commission. The Special Rapporteur had been appointed because there were serious specific concerns about human rights in Cuba; if there were no human rights violations investigation would bear that out.

HEINO AINSO, observer for Estonia, said his country's legacy of 50 years of occupation was worse than anyone had dared to suspect. The most damaging result of those years was the massive population transfers across borders, that took place in contravention to Article 49 of the Geneva Convention.

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Estonian Citizens had been forcibly deported to remote areas of Siberia. At least 70,000 persons experienced this fate, and a great number of them perished in subhuman conditions. Another border population transfer had been facilitated by the creation of special privileges for attracting foreign settlers into Estonia. As a result of this policy, the number of non-Estonians had grown from about 120,000 to 600,000. Systematic and deliberate population transfers by the occupying Power were a crime against humanity.

He said Estonia was now ready to negotiate with all emerging States, the status of foreign nationals brought into Estonia during the past 50 years. All Estonians who were deported outside their homeland and who would like to return were invited to do so.

RAFAEL VALCARCE, observer for Bolivia, said the increase in membership of the Commission on Human Rights reflected growing democratization in the world. It was clear that democracy and human rights were mutually reinforcing. In Bolivia, since the restoration of constitutional democracy 10 years ago, respect for human rights had been given high priority. Efforts were being made to allow the poorer residents of the country to benefit from democracy. Bolivia had ratified the International Labour Organisation (ILO) instrument on protection of indigenous peoples.

Lack of economic resources was often the cause of human rights problems in the administration of justice. In developing countries, there was often a shortage of money for funding the operations of police and prisons.

Rights of Reply

VANIAS MARKIDES (Cyprus) said the Turkish observer had attempted to divert the Commission's attention from Turkey's violations of human rights and its contempt for the resolutions of various international forums. Turkey occupied 37 per cent of Cyprus and had expelled 80 per cent of the population of the occupied territory. Their homes had been given to settlers from Turkey. Today's world had no place for a partitioned Cyprus.

KATSUMI SEZAKI (Japan), responding to a statement by War Amputation of Canada, said the Subcommission on Prevention of Discrimination and Protection of Minorities had decided against compensation of Japanese prisoners of war, and that Japan abided by that decision. In yesterday's statement by the Republic of Korea, he said Japan had acknowledged the involvement of the Japanese Imperial Army in the use of "comfort girls" from the Korean peninsula during the Second World War, and had apologized. Japan was continuing to study the involvement of the Japanese Government in the matter.

H. ILICAK, observer for Turkey, said the Greek Cypriot representative was deliberately avoiding the core of the Cyprus question. In 1974, the Republic of Turkey had intervened in Cyprus in accordance with her obligations and rights under the 1960 Treaty of Guarantee, to protect the Turkish Cypriots from annihilation by the Greek Cypriots, and also to protect the independence of the island. The question of missing persons affected both communities, and its resolution must be left to the Committee on Missing Persons in Cyprus, which constituted the only proper venue for this purpose.

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United Nations

Press Release

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HR/CN/337
2 March 1992

HUMAN RIGHTS COMMISSION EXPRESSES CONCERN OVER HUMAN RIGHTS IN SRI LANKA

Receives Reports on Haiti, Equatorial Guinea

GENEVA, 27 February (UN Information Service) -- The Commission on Human Rights this afternoon expressed serious concern about the human rights situation in Sri Lanka, particularly the large number of reported disappearances.

The Commission made that statement following the announcement by the delegation of Sri Lanka that the Government would invite the Commission's Working Group on Enforced or Involuntary Disappearances again to visit the country in order to evaluate the degree of implementation of its recommendations during the course of 1992. The Commission welcomed that decision and acknowledged the measures taken by the Government to address the human rights situation.

The Commission thereby concluded its general debate on alleged human rights violations in various parts of the world. It began a review of United Nations rights advisory services and a discussion of children's rights issues.

Introducing the discussion of advisory services, Jan Martenson, the Under-Secretary-General for Human Rights said that a prime focus for such assistance was the democratization process in Eastern Europe.

Also this afternoon, the independent expert on the human rights situation in Equatorial Guinea, Fernando Volio Jimenez, reported that the human rights situation in that country had seriously deteriorated. Marco Tulio Bruni Celli, independent expert on the situation in Haiti, recommended that the Commission condemn the coup d'état which had overthrown the constitutional Government.

The Commission decided to postpone debate on the question of human rights in Cyprus to the forty-ninth session, on the understanding that action

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For information media—not an official record

required by previous Commission resolutions on that subject would continue. The Observer for Turkey asked that his reservations with regard to those previous decisions be placed on record.

Speaking on the question of human rights violations were representatives of World Alliance of Reformed Churches, the International Falcon Movement and the Third World Movement Against the Exploitation of Women.

Making statements on children's rights matters were the delegations of France, Syria, Austria, the Philippines, Rwanda, Morocco and Brazil. A representative of the World Health Organization (WHO) also spoke on that issue, as did representatives of following non-governmental organizations: International Federation of Human Rights, World Organization against Torture; Service, Justice and Peace in Latin America; Centre Europe-Tiers Monde; World Movement of Mothers; International Association for the Defence of Religious Liberty; International Abolitionist Federation; International Federation-Terre des Hommes; Christian Democratic International; International Catholic Child Bureau; Friends World Committee for Consultation; and the International Association of Democratic Lawyers.

The representatives of Ethiopia, the Philippines, and Algeria exercised their right of reply. The Observer for Equatorial Guinea also took the floor.

Advisory Services and Technical Assistance

Opening the discussion of advisory services and technical assistance in the field of human rights, JAN MARTENSON, Under-Secretary-General for Human Rights, said the priority of the Centre for Human Rights was on implementation of human rights standards. The process of democratization, especially tangible now in Eastern Europe, had already become a prime focus for advisory services and technical assistance activities. Forms of assistance included the drafting of new democratic constitutions, providing expert advice in connection with the holding of free and fair elections, and elaboration of legislation in conformity with international conventions on human rights in Albania, Bulgaria, Lesotho, Mongolia, Paraguay and Romania, as well as sustaining human rights centres in Africa and in the Arab world.

During 1991, he said, the Centre had provided resource persons or had sent participants to more than 100 seminars, training courses or meetings organized by other organizations. Eight training courses and workshops had been organized in cooperation with Governments and national institutions, namely in Jakarta, Sofia, Windhoek, Ouagadougou, Moscow, Nuuk, Paris and Geneva.

He drew attention to the significant increase in both number and scope of requests for technical assistance received from Governments. It followed that there was an increased need for financial and other resources to be able to effectively deal with those requests.

Among the activities detailed in the report on advisory services is a programme of information, education and training in human rights that was

being developed by the Centre for Human Rights for Cambodia. Although parts of the programme were to be carried out within the United Nations Transitional Authority in Cambodia (UNTAC), the Centre would develop projects and activities of a longer duration in cooperation with pertinent Secretariat units and United Nations agencies, he said.

Introducing the report on the situation in Equatorial Guinea, FERNANDO VOLIO JIMENEZ, independent expert on the human rights situation in that country, said he had come upon considerable obstacles due to the lack of cooperation from the Government. He had sufficient evidence to affirm that Equatorial Guinea was drawing closer to the situation that had prevailed during the 11-year dictatorship of Francisco Macias, despite the Government's promises of political pluralism.

The human rights situation in Equatorial Guinea had deteriorated most seriously, he said. Practices such as internment, beatings, confinement and interminable periods of incommunicado detention maintained the population in a permanent state of fear. There was no freedom of the press or of expression. There was no separation of powers and trade unions were not free to operate. The condition of women did not correspond to the universal standards observed in a democratic society. The fundamental Constitutional Law proclaimed in December 1991 was less democratic than the one adopted in 1982.

He recommended a new and urgent plan of action to replace the one drawn up in 1980 which was outdated and which had never been applied. Recent reports told of a new wave of repression. The situation in that country had gone beyond the scope of the programme of advisory services and deserved different treatment from the Commission. Establishing a state of law should be highest on the Government's agenda.

The CHAIRMAN said the report just introduced was "extremely disturbing" and the Commission should decide what to do after examining it.

Introducing the report on the situation in Haiti, MARCO TULO BRUNI CELLI, independent expert on human rights in that country, said that various sources had reported a number of illegal arrests that had taken place around the time of the coup d'état of 29 September 1991. The principal victims had reportedly been civilian and administrative staff of President Jean-Bertrand Aristide's Government, political and trade union leaders, journalists, teachers, artists and students. There had also been reports of torture and mistreatment of people under arrest. The Government maintained a semblance of peace on the streets through the terror it has spread among the population, he added.

He went on on to say that the Haitians trying to reach the United States and other Caribbean countries, though generally believed to emigrate chiefly for economic reasons, were fleeing repression and a declining economic and political situation. Some Haitians who had been returned to Haiti were known to have been arrested and mistreated by the authorities. He also detailed the expulsion of between 15,000 and 20,000 Haitian workers from the Dominican Republic. During the deportations, numerous arbitrary acts had occurred against Haitians and also against Dominican citizens of Haitian

origin. He recommended that the Commission condemn the coup d'état of 29 September, continue to monitor the human rights situation in Haiti and demand that the Government comply with its international and constitutional commitments.

He said President Aristide had made serious efforts to improve human rights and the economic situation of the country, but had faced many obstacles, especially among the military, the security police and the former conservative elite. After the coup, the human rights situation had deteriorated to a state of crisis. There had been harassment, torture, enforced disappearances and murder. Insecurity and fear had caused 300,000 to flee Port-au-Prince for the countryside or overseas. The political crisis now seemed to be resolved, following agreements signed with the help of the Organization of American States (OAS). But the future of human rights in Haiti called for much international support. A climate of peace, trust and freedom had to be established.

ALEJANDRO EVUNA, Observer for Equatorial Guinea, said that in 12 years there had been progress in human rights in his country, but to listen to the expert, there had been no progress at all. The Commission was not qualified to say a country did not respect human rights. Its job was to assist the development of human rights. His Government had participated in the Commission's work for 12 years, despite the serious problems under the former dictatorship. But matters had changed.

Equatorial Guinea would continue to cooperate with the Commission, but it was important to understand that it was hard to advance in human rights when a country was poor and suffered widespread economic deprivation and shortages, he said. The country had the will to advance and was doing so, although the expert talked of "stagnation" of the proposed United Nations plan to improve conditions. The expert had insinuated that the Government had acted only to keep the president in power. The Government still accepted the United Nations plan, but was impeded by economic and political realities.

Discussion of Human Rights Violations

BRADMAN WEERAKOON (Sri Lanka) said that over the last few days his delegation had been working with other members of the Commission to address issues that had emerged in the discussion on disappearances. It had been possible through this consultation to achieve a consensus which would enable Sri Lanka to proceed on the path it had chosen to deal with human rights violations that had occurred in the course of the Government's efforts to re-establish peace and normalcy.

The Government had informed the Chairman of its willingness to take the necessary steps to implement the recommendations of the Working Group. One of the recommendations -- the extension of the mandate of the Commission on Involuntary Removal for a further year -- had already been implemented. Sri Lanka also had decided to invite the Working Group on Enforced or Involuntary Disappearances to visit Sri Lanka again in the course of 1992 to evaluate progress in implementing its recommendations.

As regarded the continuing armed insurgency in the north and east, the Government was making every effort to achieve a political solution with the participation of all parties, he added. It was the Government's hope that a consensus solution could be achieved in the course of this year. Legislation had been formulated to establish a permanent Human Rights Commission under the Sri Lanka Constitution which would have power to mediate, conciliate and investigate violations. Also, forthcoming amendments to the Constitution would strengthen the existing provisions and be in line with the International Covenant on Civil and Political Rights.

Commission Chairman RON WALKER (Australia) read a statement on behalf of the Commission, acknowledging the measures taken by Sri Lanka to address its human rights situation and welcoming the cooperation accorded by the Government to the Working Group on Enforced or Involuntary Disappearances.

He said the Commission was, however, seriously concerned over the human rights situation in Sri Lanka, particularly the large number of disappearances recorded by the Working Group. He called upon the Government of Sri Lanka to itensify its efforts to ensure the full protection of human rights and appealed to all parties to respect fully the universally accepted rules of humanitarian law. He urged the Government of Sri Lanka to continue to pursue a negotiated political solution with all parties, based on principles of respect for human rights and fundamental freedoms, leading to a durable peace in the north and east of the country.

He said the Commission welcomed Sri Lanka's decision to invite the Working Group on Enforced or Involuntary Disappearances again to visit Sri Lanka to evaluate progress in implementing its recommendations and looked forward to considering the Working Group's report of that follow-up visit.

SARAH STEPHENS, of the World Alliance of Reformed Churches, said her group was deeply concerned about current human rights violations in the Philippines, particularly those attributable to the Citizens Armed Forces Geographical Units, which were under the direction of the Philippine Army. Participation in those units was theoretically voluntary, but in many cases the recruitment was coercive because of the fear that refusal to join would be interpreted as sympathy for the guerrillas. In anticipation of the national and local elections to be held in May, it was particularly disturbing that the Commission on Elections had exempted the units from the prohibition of carrying guns during the voting.

The Alliance joined with many non-governmental organizations in the Philippines in welcoming the declaration of General Abadia that the Army would bring charges of violations of Protocol II of the Geneva Convention against the guerrilla New People's Army, she said. General Abadia's announcement was a welcome recognition of the authority of international law and could be the basis for the resumption of peace negotiations between the Philippine Government and the National Democratic Front. The Alliance urged the Commission to exercise its good offices in full support of the peace process in the Philippines.

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MOHAMED SHEIKHI, Observer for the International Falcon Movement, said that under international pressure, the Iranian regime had been forced to accept a written agreement for representatives of the International Committee of the Red Cross (ICRC) to visit Iranian prisons. But reports from Iran indicated that widespread displacement of political prisoners was being carried out by the regime in order to cover up their appalling situation. Families of political prisoners had made considerable efforts to testify to the Red Cross delegation in Tehran, but many had been attacked and arrested before reaching the ICRC's office building.

He said Iran's civil and penal codes denied the most fundamental rights to Iranian women. The Government of Iran had a dismal record of violation of human rights. It tried vigorously to spread fundamentalism and terrorism in the region, and interfered in the internal affairs of Arab and Islamic States.

JANE BROCH, Observer for the Third-World Movement Against the Exploitation of Women, speaking on behalf of 22 non-governmental organizations, said the continuing armed conflicts, civil unrest and militarization in the third world, particularly in the Asia-Pacific region, had brought with them an unending list of gross violations of human rights. She said her group was particularly concerned with the situation in Sri Lanka, which was sending "droves" of women fleeing. As wives and mothers of the disappeared, as heads of households left without their breadwinners, as victims of rape and sexual harassment at the hands of hostile armed groups, the women of Sri Lanka, Tamil, Muslim and Sinhala had been the worst affected by the gross and flagrant violations of human rights taking place in that country.

She said the ending of the military conflict in Sri Lanka and in other third world countries, especially the Philippines, was an essential first step towards restoring respect for human rights in these countries. It urged the Commission to appoint a special rapporteur on the situation in Sri Lanka.

Children's Rights

STEPHANE HESSEL (France) said France supported the Convention on the Rights of the Child. During inter-ministerial consultations to prepare its report on the application of the Convention in France, he said, French officials had discovered how far the text went and how much new ground it broke.

Mr. HESSEL said France was concerned about the use of children in military conflicts, in violation of the prohibition in the Convention prohibiting the participation of children under 15 years of age in such conflicts. It was necessary to halt the traffic in sexual tourism involving children; France had taken action against a number of travel agencies promoting such abuses..

C. KAYALI (Syria) said that in her country the State provided free public health, nutrition and education for children. Despite the burden this represented, those policies would help create a climate that would allow

future generation to develop harmoniously. Child mortality had been reduced from 72 per thousand to 35 last year's figure of 35 per thousand. Following the World Summit for Children in 1989, a ministerial committee had been established to study the Declaration on the Survival, Protection and Development of Children.

There was legislation in Syria offering protection from the practice of the sale of children. As for child labour, children in Syria were not allowed to work in State organizations. She denounced oppressive Israeli practices affecting children in the occupied West Bank, Gaza, the Golan and southern Lebanon.

FELIX ERMACORA (Austria) said it was doubtful whether reservations by States parties who did not consider themselves bound by any provisions of the Convention of the Rights of the Child that were allegedly incompatible with their religions or traditional values were in accordance with the object and purpose of the Convention. Such broad and vague reservations could seriously hamper the monitoring functions of the Committee on the Rights of the Child.

He said the Special Rapporteur on the sale of children needed the full cooperation of Governments to exercise his mandate effectively, both in responding to his questionnaire and in inviting him to carry out field visits.

DELIA MENEZ-ROSAL (Philippines) said that two years after the adoption of the Convention, the international community had now moved to the important stage of implementation. She reviewed activities in the Philippines on behalf of children and said that aside from existing laws protecting the rights of the child, a new act had been recently passed by the Philippines congress and was expected to be signed into law soon by President Aquino. This would give children in the Philippines adequate protection against exploitation by unscrupulous individuals. While Governments must take the lead in formulating policies, programme and guidelines and the enactment of more responsive legislative measures for child protection development, the international community, especially the international financial institutions, must also do their share.

MARK A. BELSEY, Observer for the World Health Organization (WHO), said health care was not merely a matter of accessibility to the series of preventive or curative medical technologies. The denial of education or the abuse or exploitation of children would take its toll on the physical, mental and social health and well-being of current and future generations perpetuating a cycle of disease, poverty and ignorance. The WHO was actively pursuing its responsibility to assist States parties to the Convention attain and maintain health-related rights as reflected in Article 24 of the Convention.

He said children in vulnerable and difficult circumstances, street children, those engaged in exploitative child labour and those innocently exposed to civil conflicts and natural disasters had special health needs not readily met by existing health structures and approaches. He lamented the fact that the priority of children was reflected mainly in rhetoric, not in

resources. In some areas of the world, particularly in Africa, more women were dying in childbirth and more infants were being born malnourished in utero than five years ago.

BONAVENTURE MBARUSHIMANA, Observer for Rwanda, recalled that Rwanda had ratified the Convention on 24 February last year. He said the child was the cornerstone of Rwandan society. Certain children's rights were enshrined in the Constitution. However, as in other developing countries, Rwandan children faced numerous obstacles in the effective enjoyment of the rights recognized in the Convention, and it was sad to note that a significant number of Rwandan children could not enjoy their rights as a result of the war of which the country had been the victim since October 1990. Rwanda requested the assistance of international community in order to "put an end to this absurd war and allow these children to blossom".

AHMED SENDAGUE BELHADJ, Observer for Morocco, said the sale of children and their use for immoral purposes had to cease. The International Labour Organisation (ILO), Governments and non-governmental organizations had prevented the phenomenon of child labour from growing. Poor families saw the solution to their economic problems in the sale of their children and their organs. That practice, as well as the practice of using children as soldiers, had to cease. Morocco, one of the first countries to ratify the Convention, had extensive legislation which promoted and protected the rights of the child.

A.C. PEREZ (Brazil) referred to efforts by his country safeguarding the rights of children. However, the Brazilian Government was well aware that a major problem affecting street children was violence. Great efforts were being made solve it, although results had not yet met expectations.

A National Plan to Combat Violence against Children and Adolescents, and a Commission to implement it, had been created early last year. Other measures included the creation of an institute of sociological research at the University of Sao Paulo to help the work of the National Commission and the review of police training.

CHRISTIAN GROSSE, Observer for International Federation of Human Rights, alleged that the murder of children was carried out with impunity in Brazil. Official figures, he said, were far from the truth. The authorities should revise their statistical methods. Some of the minors had been involved in crime, especially drug trafficking, but many of the child murders had no criminal connection. His Federation requested the Special Rapporteur to continue to examine the problem of violence perpetrated against the children of Brazil.

ESTHER BRON, Observer for the World Association Against Torture, said that in Brazil and Guatemala, armed groups, or "death squads", systematically eliminated children they considered future criminals. According to recent figures, 46 street children had been killed last year in Brazil.

She said India had a sad record of child labour, with an estimated 20 million children working in extremely difficult conditions in factories and

mines. Child slavery also served as the basis for another flourishing trade, namely the sexual exploitation of children. In India, 20 per cent of the 2 million prostitutes were children. In Thailand, the figure was even more alarming: 800,000 of the 2 million prostitutes were children under 16 years old. Tourism was in large part responsible for the rise in child prostitution. The forcible recruitment of children into armies was a common occurrence in many countries, she observed. Particularly alarming information in that regard had been received from Myanmar, Ethiopia, El Salvador and Guatemala.

PABLO FREDERICK, Observer for Service, Justice and Peace in Latin America, said children were among the first victims of the difficult economic and social situation in Latin America. The United Nations Children's Fund (UNICEF) had recently said in a report about Argentina that most of its children were poor, and that most of its poor were children. In Brazil, every kind of violence was committed against street children. The military police were always violent with the children, especially black ones, when they come across them. Girls were often raped or sexually abused. More than 400 children had been assassinated last year.

MALIK OZDEN, Observer for Centre Europe-Tiers Monde, said the organization supported initiatives such as the Swiss campaign against child prostitution. He said children were the first victims of repressive Governments. In Haiti, schools had been closed for a number of weeks due to the shootings by the military. In Turkey, Kurdish children were still persecuted. And what had become of the Sahrawi children locked away with their parents in Morocco's jails? Among the thousands of persons from Burundi who had found refuge in Zaire and Rwanda were children paying with their infancy the price of the war ravaging their country.

MARIE LAURE BECK/DARKO GOTTLICHER, Observers for the World Movement of Mothers, said abortion threatened the lives of millions of unborn children. Another danger were erotic telephone lines. Big profits were at stake in this area. The speakers said a radio and television actively threatened children daily through shocking shows. Erotic phone lines constituted a real danger because most children learned to use the phone very early and were often left at home alone.

ANNE BUWALDA, Observer for the International Association for the Defense of Religious Liberty, spoke of the plight of street children in Guatemala and Brazil. She said death squads were reported to be executing children in a campaign to "clean up the streets". Equally disturbing was the apparent inability of the authorities to investigate those murders and to order the prosecution of the perpetrators. The Guatemalan Government had done little to safeguard its vulnerable children, and in Brazil much remained to be done. She said the States of Guatemala and Brazil should promote campaigns aimed at the respect of the fundamental rights of children and uphold relevant international laws protecting children's rights.

LUCIENNE DROZ, Observer for the International Abolitionist Federation, said the campaign against sex tourism in Switzerland was aimed at breaking down the wall of silence surrounding child prostitution. The imperialism of

middle class Western tourism meant that it was now occurring in Asia, Latin America and parts of Africa. Child prostitution by way of sex tourism had a direct connection with violence and shameless profit-taking by the North from the South. She called for Switzerland to ratify the Convention and to take measures to prevent sexual exploitation.

GABRIELE DIECKMANN, Observer for the International Federation - Terre des Hommes, said sexual violence against children, child prostitution and pornography were not isolated or national matters. Men living within patriarchal social systems considered women and children as their property; men living within a capitalistic society considered that everything could be bought for a price, including sexuality, love and affection.

She said German offenders, who spent the most money in sex tourism, knew that child sex abuse was rarely pursued or sentenced by law. Her organization recommended that the Commission invite all States to, among other things, consider sexual violence against children as torture and child prostitution and pornography as slavery and a crime against humanity.

AMAYA ALTUNA DE SANCHEZ, Observer for the Christian Democrat International, said that in the last decade 1.5 million children had died in wars. She cited countries where they had been victims, including Viet Nam, Cambodia, El Salvador, Nicaragua, Liberia, Ethiopia, Angola, Iraq and Iran. In Europe, she said the conflict in Yugoslavia daily illustrated this problem. In Latin America, Africa and Asia, children underwent labour and sexual exploitation. In the Dominican Republic, Haitian children were lured into virtual slavery in the sugar cane fields. In Brazil, the phenomenon of child killings was stuperfying.

She asked what had become of the commitments made at the World Summit for Children. Resources were necessary, but political will on the part of Governments and the determination of their peoples were essential.

FLORENCE BRUCE, Observer for the International Catholic Child Bureau, said some Governments were nowadays more ready to talk about the problem of sexual exploitation of children in their country, but sadly this was because of the threat of the AIDS pandemic and not due to any sudden concern for the rights and dignity of the child. Governments should make the fight against the sale of children, child prostitution and child pornography a matter of priority. The simple possession of child pornography, as well as its production and distribution, should be a crime. Innovative community-based programmes for child victims of sexual exploitation as required by article 39 of the United Nations Convention on the Rights of the Child should be created. Prostitution should not be reduced only to an economic issue.

MARTIN MACPHERSON, Observer for the Friends World Committee for Consultation (Quakers), said Quakers had for many years been deeply concerned about the participation of children in armed conflicts. Some children joined armed forces voluntarily, perhaps inspired by the idea of liberating their country. Others joined in order to satisfy their basic needs of food, clothing and shelter. But many were forcibly recruited. During the drafting

of the Convention there had been considerable debate about Article 38, which set the minimum standard for the recruitment and participation of children in armed conflicts. Only the United States had consistently opposed a strengthening of Article 38. Quakers were pleased to note that upon ratification of the Convention, Argentina, Colombia, Ecuador, Spain and Uruguay had made declarations concerning the inadequate protection offered to children by Article 38.

He said the Friends World Committee thanked the Special Rapporteur on the sale of children, Vitit Muntarbhorn, for the attention which he had given to the use of children in armed forces.

RENEE BRIDEL, Observer for the International Association of Democratic Lawyers, said that the issue of traffic and transport of organs should be depoliticized and the term "ideological slant", which appeared in the report of the Special Rapporteur, should no longer be used in connection with the issue. The Special Rapporteur had noted that while the sale of organs was prohibited by national and international law, these laws continued to be abused and sometimes their ambiguities had been exploited for profit. She called for a clarification to prevent these crimes against children.

Rights of Reply

KONGIT SENEGIORGIS (Ethiopia) said the representative of Austria had expressed concern at the human rights situation in a number of African countries, including Ethiopia. She said her delegation took great exception to that statement; Austria's accusations were completely groundless. The systematic and gross human rights violations of the previous regime had ceased. Today the situation was dramatically different. The transitional Government had been making great efforts to ensure that the human rights and fundamental freedoms of all citizens were respected. It was true that despite the efforts of the Government there had been limited and isolated acts of banditry in various regions of the country. In fighting this, the Government had scrupulously observed the principles of human rights and fundamental freedoms.

REYNALDO ARCILLA (Philippines) thanked the World Alliance of Reformed Churches for its interest in the Philippines, but wished to point out that there was no civil war in the country. He wondered why none of the non-governmental organizations present said anything about the atrocities recently committed by the New People's Army, which had slaughtered Government soldiers, some of them 14 or 15 years old, and had even beheaded them.

ABDELHAMID SEMICHI, Observer for Algeria, said his delegation appreciated that the internal situation in his country was the object of such concern, expressed in the form of solidarity. He wished to point out that things were proceeding in as democratic a way as possible. On behalf of his Government, he would like to inform those who had expressed concern that the present period in Algeria would soon be over.

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United Nations

Press Release

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3 March 1992

HUMAN RIGHTS COMMISSION ADOPTS 14 TEXTS ON VARIOUS RIGHTS QUESTIONS

Takes Action on Western Sahara, South Africa, Torture, Staff Safety

GENEVA, 28 February (UN Information Service) -- The Commission on Human Rights this morning recommended that the Economic and Social Council approve a draft declaration on the protection of all persons from forced disappearance. It took that action by approving one of 14 separate proposals.

Two resolutions were passed on South Africa. One called on all States to maintain sanctions against that Government until agreement had been reached on arrangements for a new Constitution and the holding of one-person, one-vote elections. The second resolution appealed to the international community to pursue a measured and flexible strategy to influence positively the political transition in South Africa through the phased application of appropriate pressures.

The Commission decided to create a standing team of forensic scientists to assist in the exhumation and identification of victims of alleged human rights violations. It also approved a resolution urging States to allow medical teams to investigate the health of staff members of international organizations who were being detained.

Also this morning, Vitit Muntarbhorn (Thailand), Special Rapporteur on the Sale of Children, replied to a non-governmental group's comments on his report in response to the claim that Mexico had admitted elsewhere that the sale of children for organ transplantation existed in that country. Mr. Muntarbhorn recalled that no Government, in reply to his questionnaire, had stated that such an occurrence had taken place on its territory. The situation remained fluid, and he called on non-governmental organizations and Governments to render this issue more transparent.

Action on Resolutions and Decisions

Under a resolution on Western Sahara, the Commission welcomed the entry into force of the 6 September 1991 cease-fire and endorsed the Security Council's appeal to the two parties to continue to cooperate fully with the

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Secretary-General in the implementation of his peace plan. It also expressed its full support for his efforts for the organization and supervision of a self-determination referendum in Western Sahara.

With regard to the situation of human rights in South Africa, the Commission urged the South African authorities to repeal the remaining discriminatory apartheid laws and to introduce the necessary measures to correct entrenched socio-economic inequalities. It appealed to the international community to pursue a measured and flexible strategy to influence positively the political transition in South Africa through the phased application of appropriate pressures, and it renewed its request to the South African authorities to allow the Ad Hoc Working Group of Experts on Southern Africa to visit that country and to cooperate with it in appraising developments in the human rights situation. The resolution was adopted without a vote.

As for adverse consequences for human rights of assistance to the South African regime, the Commission condemned the assistance rendered to South Africa in the political, economic, financial, and particularly, military fields, as well as the continued nuclear collaboration of some States, in particular Israel, with South Africa.

It called upon all Governments to maintain sanctions and all forms of pressure against South Africa until agreement had been reached on transitional arrangements and modalities for the adoption of a new Constitution and the holding of elections; and called upon the South African authorities to allow the Special Rapporteur to visit South Africa with a view to assessing the present situation.

The resolution was adopted by a roll-call vote of 35 in favour to 15 against, with 3 abstentions. The vote was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, Ghana, India, Indonesia, Iran, Iraq, Kenya, Lesotho, Libya, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Syria, Tunisia, Venezuela, Yugoslavia and Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czechoslovakia, France, Germany, Hungary, Italy, Japan, Netherlands, Portugal, Russian Federation, United Kingdom and United States.

Abstentions: Argentina, Madagascar and Uruguay.

Concerning respect for the right of everyone to own property alone as well as in association with others, the Commission welcomed the preliminary report of the independent expert on the means whereby the right of everyone to own property fostered, strengthened and enhanced the exercise of other fundamental freedoms; and requested the Secretary-General to provide all necessary assistance to the independent expert and to transmit his preliminary report to all Member States and interested organizations. It decided to

examine the final report of the independent expert at its forty-ninth session. The resolution was adopted without a vote.

With regard to the right to freedom of opinion and expression, the Commission expressed its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercised the right to freedom of opinion and expression, freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs. It appealed to all States to ensure that persons seeking to exercise these rights and freedoms were not discriminated against or harassed. The resolution was adopted without a vote.

Under a resolution on hostage-taking, the Commission strongly condemned the taking of any person as hostage; demanded that all hostages be released immediately and called upon States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory. The resolution was adopted without a vote.

The Commission, by a resolution on human rights and forensic science, decided to create, under United Nations auspices, a standing team of forensic experts and experts in other relevant disciplines, to be enrolled on a voluntary basis worldwide, who could be requested by Governments concerned to assist in the exhumation and identification of probable victims of human rights violations or in the training of local teams. It requested the Secretary-General, within existing resources, to enter into consultation with appropriate professional organizations with a view to studying the practical and financial viability of such a scheme and to developing workable arrangements for its management. The resolution was adopted without a vote.

As to the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture; urged States parties that had not yet paid their assessed contributions to fulfil their obligations forthwith; and urged all States to become parties to the Convention as a matter of priority. The resolution was adopted without a vote.

With regard to United Nations staff members in detention, the Commission urged Member States to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay. It also urged Member States to allow medical teams to investigate the health of staff members, experts and their families who were being detained, in order to provide them with the necessary medical assistance. The resolution was adopted without a vote.

Concerning the United Nations Voluntary Fund for Victims of Torture, the Commission appealed to all Governments, organizations and individuals to

respond favourably to requests for contributions to the Fund and requested the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund. The resolution was adopted without a vote.

In a resolution on the question of arbitrary detention, the Commission called on the Working Group on Arbitrary Detention to continue to seek and receive information from Governments and intergovernmental and non-governmental organizations and invited it to continue to take account of the need to carry out its task with discretion, objectivity and independence. The resolution was adopted without a vote.

Regarding the protection of all persons from enforced disappearance, the Commission approved the draft declaration submitted by the Working Group and recommended a resolution to the Economic and Social Council for adoption which would decide to submit the draft declaration on the protection of all persons from enforced disappearance and the report of the Working Group of the Commission on Human Rights to the General Assembly for consideration. The resolution was adopted without a vote.

By a resolution on the question of enforced or involuntary disappearances, adopted without a vote, the Commission decided to extend by three years the mandate of the Working Group on that matter. It deplored the fact that, as the Working Group pointed out in its report, some Governments had not acted on the recommendations contained in the Group's reports nor replied to the Group's request for information on this issue; and urged all Governments to take legislative or other steps to prevent and punish acts of enforced disappearance.

Concerning human rights in the administration of justice, the Commission stressed the desirability of providing States with continued assistance in the administration of justice and requested the Subcommission to continue its practice of creating a sessional Working Group on Detention to formulate concrete proposals regarding human rights in the administration of justice. It invited the new Commission on Crime Prevention and Criminal Justice, at its first session, to explore ways and means of cooperating with the human rights programme in the field of the administration of justice. The resolution was adopted without a vote.

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HUMAN RIGHTS COMMISSION ACTS ON 20 RESOLUTIONS AND DECISIONS

Extends Mandate of Special Rapporteur on Torture

GENEVA, 28 February (UN Information Service) -- The Commission on Human Rights this afternoon voted to extend the mandate of its Special Rapporteur on Torture for three more years.

That decision was preceded by a debate in which several Commission members proposed that the Special Rapporteur's mandate be extended for one year instead of three. Other members held, however, that the Commission should not break with the established practice of appointing thematic rapporteurs for three years.

The Commission also adopted resolutions on the independence and impartiality of the judiciary, the 1993 World Conference on Human Rights, public information and human rights, further human rights promotion and the consequences of violent acts by armed groups and drug traffickers. In addition, the Commission approved a series of texts submitted to it by its subsidiary body, the Subcommission on Prevention of Discrimination and Protection of Minorities. Among those was a decision on human rights and the environment, the only proposal put to a vote today.

Following action on draft texts, the Commission resumed its general debate on the question of children's rights, listening to statements by the Netherlands and China.

Action on Resolutions

Regarding torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur (E/CN.4/1992/L.41), the Commission stressed the recommendation of the Special Rapporteur that each person should have the right to initiate proceedings before a court on the lawfulness of his detention, immediately after his arrest, along with other repeated recommendations of the Special Rapporteur. In addition to extending the mandate of the Special Rapporteur for a further three years, it encouraged Governments to give serious consideration to inviting the Special Rapporteur

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to visit their country so as to enable him to fulfil his mandate even more effectively.

Concerning the right to a fair trial, the Commission adopted resolution II submitted by its Subcommission. By that resolution, the Commission urged Special Rapporteurs Stanislav Chernichenko and William Treat to continue their study with a view to strengthening the implementation of present fair trial standards. It also urged them to consider the desirability of incorporating the basic fair trial guarantees into an international standard, such as a model code, for consideration by the Subcommission and the Commission at future sessions. Finally, it recommended the decision to the Economic and Social Council for adoption.

With regard to the rights of habeas corpus, the Commission adopted resolution III submitted by the Subcommission. Under its terms, the Commission called on all States that had not yet done so to establish a procedure such as habeas corpus and also called on all States to maintain the right to such a procedure at all times and under all circumstances, including during states of emergency.

By resolution VII of the Subcommission on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, the Commission endorsed the decision of the Subcommission to entrust Rapporteur Louis Joinet with the preparation of a report bringirg to the Subcommission's attention the information on practices and measures that had served to strengthen or to weaken the independence of the judiciary and the legal profession in accordance with United Nations standards; and recommended the draft decision to the Economic and Social Council for adoption.

Through decision 5 of the Subcommission on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, the Commission endorsed the Subcommission's request to Theo van Boven, Special Rapporteur on the subject, to prepare a second progress report containing additional information on and analysis of relevant decisions and views of international human rights organs, and to do the same concerning national law and practice.

On the question of human rights and states of emergency, the Commission recommended to the Economic and Social Council the following draft decision 1:

"The Economic and Social Council endorses the request by the Subcommission to Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergencies and to include in his annual report to the Subcommission and the Commission on Human Rights the completed draft standard provisions on emergency situations, giving special emphasis to the question of non-derogable rights."

By decision 15 of the Subcommission on the right to freedom of opinion and expression, the Commission endorsed the invitation of the Subcommission to the Special Rapporteurs to submit a report to it at its forty-fourth session, with recommendations.

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Concerning the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others (draft resolution IX of the Subcommission), the Commission decided to transmit the draft programme of action to Governments, specialized agencies, intergovernmental and non-governmental organizations for their comments. It requested the Secretary-General to submit to the Commission on Human Rights, at its forty-ninth session, a report containing a summary of the comments received; and decided to examine, at that session, the draft programme of action and report of the Secretary-General.

With regard to traditional practices affecting the health of women and children, the Commission approved the recommendation of the Subcommission that the mandate of the Special Rapporteur be extended for two years so as to enable her to submit to the Subcommission at its forty-fifth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, as well as a report on the regional seminar to take place in Asia.

It also decided that the Centre for Human Rights should provide a full-time Professional staff member to follow up the question of traditional practices affecting the health of women and children and to liaise with Governments, United Nations agencies and regional commissions, non-governmental organizations and other concerned institutions, with special emphasis on gathering data.

As for human rights and the environment, the Commission endorsed the request of the Subcommission to Fatma Zohra Ksentini, Special Rappporteur on that question, to prepare a progress report on human rights and the environment. The decision was adopted by a show-of-hands vote of 50 in favour to 1 against, with 1 abstention.

The representative of Japan said his country attached great importance to environmental problems. In fact, Japan was actively participating in the United Nations Conference on Environment and Development (UNCED). The Commission was not the appropriate forum, however, to discuss the issue of the environment, and his delegation had therefore abstained in the vote.

With regard to the study on treaties, agreements and other constructive arrangements between States and indigenous populations (draft decision 12), the Commission endorsed the request of the Subcommission to Miguel Alfonso Martinez to prepare a progress report on treaties, agreements and other constructive arrangements between States and indigenous populations at its tenth session and to the Subcommission at its forty-fourth session, and to provide for a second study trip to the Achivo de Indias in Seville, Spain.

Concerning the 1993 World Conference on Human Rights (E/CN.4/1992/L.30), the Commission welcomed contributions made from extrabudgetary resources to meet the costs of participation by representatives of the least developed countries in the preparatory meetings, including regional meetings, and the willingness of the Italian Government to consider hosting the Conference.

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The representative of the United States said with regard to the resolution adopted this morning on freedom of expression, that her delegation had to dissociate itself from its adoption. It was wrong for the resolution to emphasize the terms of article 19 of the International Covenant on Civil and Political Rights, including its provisions regarding restrictions upon speech. Article 19 of the Universal Declaration of Human Rights, not article 19 of the Covenant, contained the principles that should govern here. Also, elements of the work thus far might be read to sanction unacceptable State interference with freedom of speech and expression. She hoped that the final work on that study would instead concentrate on the key problem of detention of, and discrimination against, persons who exercised their rights to expression.

Under a resolution on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1992/L.33), the Commission urged all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues. It requested the Secretary-General to make provision from the United Nations regular budget for increased resources for activities within the framework of the World Public Information Campaign; and requested the Department of Public Information to make full use of its available resources in the human rights field, to produce audiovisual material on human rights issues that could be used as effective tools of information within the framework of that Campaign; and stressed the need for the United Nations to harmonize its public information activities in human rights with other organizations.

The representative of the United States said the delegation supported much of the resolution on development of public information in the field of human rights, but had to dissociate itself therefrom because of reservations about operative paragraph 8, which entailed financial implications. The United States would have preferred assurance that funding would come from existing accounts and programmes or from voluntary contributions.

In a resolution on strengthening United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity (E/CN.4/1992/L.45), the Commission expressed its conviction that an impartial approach to human rights contributed to the promotion of international cooperation and to the promotion, protection and effective realization of human rights. It underlined the continuing need for accurate and objective information on the political, economic and social situations in all countries; and regretted that it had not yet been possible for the Secretary-General to submit recommendations on practical measures to promote international cooperation in the human rights field, as requested by the Commission in its resolution 1991/79 of 6 March 1991.

As to regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (E/CN.4/1992/L.47), the Commission requested the Secretary-General to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and

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the Pacific; and welcomed the organization of regional workshops in that region on various human rights issues.

Under a resolution on human rights and thematic procedures (E/CN.4/1992/L.48), the Commission encouraged Governments to respond expeditiously to requests for information through those procedures, so that the thematic special rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention might carry out their mandates effectively. It further requested them to include in their reports comments on problems of responsiveness and results of analyses.

Regarding the consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers, the Commission, by resolution (E/CN.4/1992/L.50), requested all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of such acts of violence in their forthcoming reports to the Commission on the situation of human rights in those countries where such acts of violence occurred. It also encouraged non-governmental organizations to bear in mind the adverse effect on the enjoyment of human rights of the acts of violence committed in many countries by armed groups, regardless of their origin.

Debate on Children's Rights

KOEN M. DAVIDSE (Netherlands) said the Special Rapporteur on the sale of children, Vitit Muntarbhorn of Thailand, had visited the Netherlands to gather information for what was to become a country profile concerning the themes addressed by him. The report and its recommendations on the Netherlands would get widespread publicity. Only a broad-based approach could lead to any prevention of exploitation of children. Mr. Muntarbhorn had shown how complex his subject matter was by stating who should be involved in the process of combating exploitation of children -- namely, parent and child, community and individual, non-governmental organizations and, of course, Governments.

In the Netherlands, he said, the Special Rapporteur had focused the attention of the Government and others on the issues of the sale of children, child prostitution and child pornography. He had made everyone aware that, even though there was the feeling that the Netherlands did not have large-scale problems in the field of exploitation of children, there was a need to remain vigilant.

He said the Netherlands was already in the process of complying with some important recommendations made previously by the Rapporteur. For instance, tighter regulations on organ transplantation and sham marriages had been formulated and were likely to be adopted in the very near future. The Convention on the Rights of the Child, which had already been signed by the Netherlands, had been submitted to Parliament for ratification. He trusted that the Commission would renew the Special Rapporteur's mandate for three years and that he would get the support needed to exercise that mandate.

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DUAN JIELONG (China) said China had always attached immense importance to the protection of children's rights. The Standing Committee of the National People's Congress had decided on 29 December 1991 to ratify the Convention on the Rights of the Child. Last year, the country had specifically formulated the Law on the Protection of Juveniles, which offered additional guarantees to the further improvement of protection of the rights of children. In the years prior to 1949, the great majority of Chinese children did not have the right to education, with over 80 per cent of the population being illiterate and only about 20 per cent of school-age children enrolled in school. In 1990, 99.77 per cent of school-age children in cities were enrolled in schools, and 97.29 per cent in rural areas.

Today, he went on, the mortality rate of children under five years of age was kept at a low level in China, amounting to only seven per thousand. The relevant Chinese governmental bodies were studying and taking concrete measures to realize the objectives embodied in the Convention on the Rights of the Child as well as in the Declaration and the Programme of Action adopted at the World Summit for Children. The people of all social structures were working heart and soul, he said, for the full protection of the legitimate rights and interests of children.

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HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON CHILDREN'S RIGHTS

GENEVA, 2 March (UN Information Service) -- How to achieve better protection of children's rights was the subject of discussion at this morning's meeting of the Commission on Human Rights, which today entered the sixth and last week of its forty-eighth session.

Among the issues raised during the discussion were how to improve the implementation of the 1989 Convention on the Rights of the Child, the effect of reservations maintained by some States parties regarding certain of its provisions, and the role of the Committee charged with monitoring its implementation.

Much of the debate centred around the report prepared by the Special Rapporteur on the sale of children, Vitit Muntarbhorn.

Statements were made by the representatives of Iran, Portugal, Iraq, Australia, Indonesia, Senegal, Cuba, Sweden (on behalf of the Nordic countries), Spain, Thailand and Venezuela.

A representative of the International Labour Office also spoke, as did the representatives of the following non-governmental organizations: Defence for Children International, International Federation of Social Workers, International Association of Educators for World Peace and International Association of Educators for World Peace.

Statements

ABBAS SAFARIAN (Iran) said that today the world community could solve the problem of child malnutrition simply by reducing the amount it spent on arms. It was time to assist the child victims by considering this a socio-political priority. There existed many ideas to solve these problems, in particular, adherence to the international instruments pertaining to the rights of the child.

He welcomed the fact that 105 States had ratified the Convention on the Rights of the Child, since this Convention took care of the basic rights deserved by children. Iran had signed the Convention on 5 September 1991 and

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was in the process of ratification. The Iranian Government, driven by the noble precepts of Islam, attached particular importance to the rights of the child. Children occupied a prominent place in Iran's five-year cultural and socio-economic plan.

PAULO CUNHA ALVES (Portugal) recalled that it was only two years ago that the Convention had been opened for signature. At that time, no one could have imagined the enthusiasm that instrument would give rise to. Today, the moment had come for confidence. The number of States parties did not cease to grow and the Committee on the Rights of the Child had held its first session, adopting measures to foster its implementation. It was precisely in light of those developments that it would be useful to encourage the Secretary-General to inform the Commission of all actions taken within the United Nations system aiming at the implementation of the Convention.

Increased adherence to the Convention, he went on, brought up the question of resources for the Committee. Portugal supported the Committee's recommendation that it be allowed to hold two sessions per year, among other things. Portugal was deeply concerned about certain reservations to the Convention lodged by States parties. Reservations that were too vague could affect the whole of the provisions of the Convention. Lastly, the delegation had read with great interest the report of the Special Rapporteur on the sale of children. The relevance and importance of his work moved Portugal to consider it necessary to renew his mandate.

MOHAMMED HUSSEIN (Iraq) said the Convention had to meet the challenge which it offered. Details like accession to the Convention were all very well, but some of the great Powers who adhered to the Convention simply set it aside to perpetrate acts which were non-beneficial to children. In Iraq, the reports of the United Nations Children's Fund (UNICEF) attested to Iraq's success in endeavours designed to promote the rights of the child even in the light of the blockade which was threatening the very existence of millions of Iraqi children. During the armed conflict against Iraq, children were premeditated targets of allied bombing. The bombing had also knocked out Iraq's only baby-milk producing factory, because it believed it to be an arms factory.

The 43-day bombardment, said the speaker, had caused untold psychological damage to children, who had since lived in fear, anguish and stress. Since the end of the Gulf war, Iraqi children were 43 times as likely to die compared to statistics from before the war. This year 15,000 children would die if food and medicine were not forthcoming. This constituted a flagrant violation of the Convention on the Rights of the Child. Did the Convention respect the rights of all children or just those of some countries?

KEVIN O'CONNOR (Australia) noted that the World Summit for Children and the declaration it had adopted posed a challenge, which remained largely unmet. Acceptance of the convention had to be more than a formal commitment; it required a continuing plan of action. There had been vigorous debate recently in a number of Australian jurisdictions regarding "juvenile justice" issues. The Federal Attorney-General and the Federal Human Rights

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Commissioner had each emphasized in that context that any measures adopted must comply with the obligations which Australia had accepted under the Convention as well as under other instruments.

The children of Australia's indigenous peoples continued to suffer disproportionate rates of involvement with the juvenile justice system, as well as disadvantages in health, education and, indeed, in the enjoyment of many of the human rights recognized by and elaborated in the Convention, among other instruments. The Australian Government was resolutely committed to redressing those disadvantages. It recognized that in Australia, as elsewhere, much remained to be done in making the Convention widely known, and in ensuring that the rights recognized therein were not only reflected and guaranteed in law, but respected and ensured in practice.

P. WIJONO (Indonesia) said the rapid pace at which the Convention had gained such broad-based acceptance was evidence of the commitment of the international community to the goals and principles enshrined therein. Indonesia had been an early signatory of the Convention. Having accepted the legal and moral guidance offered by the Convention, Indonesia continued its longstanding commitment to enhancing children's welfare. Indonesia's activities at the national level incorporated its ongoing development programmes for children. The Convention and the initiatives stemming from the World Summit for Children into the results achieved by Indonesia in health care development and, in particular, the successful, nationwide child immunization programme had been recognized by the World Health Organization (WHO).

Efforts needed to be made to enable children to develop in a safe environment, free from exploitation and labour, she added. And, if children must work, it should be at a level consistent with their physical and mental development. Indonesia's "Paket Kejar", or working-while-learning programme, had produced tangible results in improving the status of children from lower economic levels by providing them with knowledge to help themselves. Child labour was an important issue, since it was a widespread phenomenon which could not be abolished or controlled all at once. Indonesia welcomed the establishment of the International Programme on the Elimination of Child Labour (IPEC) by the International Labour Organisation (ILO), whose objective was to minimize child labour, if not to eradicate it, and to accelerate support and pressure for change in favour of children at work.

ALIOUNE SENE (Senegal) noted that the Convention called countries to account in a binding and comprehensive manner. However, its successful application remained a goal to be attained. The legal and political frameworks of countries might have to be altered to meet the needs of a vulnerable group, children, which had to be protected. The African continent was not a stranger to the exploitation of children.

Only coordinated action at both the international and national levels, he said, could prevent the sale of children for marriage, adoption, prostitution, sexual exploitation or pornography. Political action had also to occur in order to attack the root causes of these phenomena. He hoped that the recent

summit on rural women would attract as much attention to the issue of rural women as had been paid to the issue of children following last year's World Summit on Children.

RAUL ROA KOURI (Cuba) said the Commission and the Subcommission on Prevention of Discrimination and Protection of Minorities had in recent years begun to accord some importance to the monstrous problems faced by children today. But their late and hasty debate proved that the search for solutions deserved much more attention than that which it had received until now. It was possible that amidst the "triumphant euphoria of certain bloated societies", the magnitude of those problems was not being recognized. Some 1.25 million children had died since the first five weeks of the Commission due to malnutrition and endemic poor health. The prevailing disinformation was responsible for this dolce far niente which hid the undeniable fact that neither the Gulf war nor the recent events in Central and Eastern Europe, nor the uni-polar world that was emerging, could solve the great problems affecting the enjoyment of human rights of millions of the planet's inhabitants.

The so-called "new world order" could not but aggravate the situation, he added. The responsibility of the capitalist system in that situation, he said, was undeniable, as was the responsibility of the developed societies of the North regarding the sale of children, child prostitution and child pornography. Those societies provided the demands that an ever more impoverished South had to meet.

LEE SWEPSTON, representative of the International Labour Office (ILO), said that the ILO had, in the past year, both intensified its on-going work in that area and undertaken new initiatives. Its special competence was the prevention of child labour and improving the situation of young people when they did work. It welcomed the surge of support for the Convention and had initiated exchanges of information to ensure that the ILO's supervisory procedures were mutually reinforcing. A major effort had begun in the area of the elimination of child labour, focused on finding and putting practical solutions into place. The Organisation intended to convene a seminar on the elimination of child bonded labour in close collaboration with the Centre for Human Rights, selected Governments and non-governmental organizations. This seminar was intended to devise practical solutions to this problem and to result in specific proposals for action at the national and international levels. In addition, the ILO planned to hold a World Congress on the Elimination of Child Labour, probably in November/December 1993.

CATHARINA KIPP, Observer for Sweden, speaking on behalf of the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), expressed serious concern that some of the reservations made to the Convention ran counter to its very purpose. The Nordic countries endorsed the recommendation by the Committee to strengthen the technical assistance and advisory services programme of the Centre for Human Rights. For the Working Group of the whole of the Committee to meet in 1992, an additional $25,000 should be made available to cover travel expenses.

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She said the firm view of the Nordic Governments was that the age limit in the First Additional Protocol to the 1949 Geneva Conventions and in article 38 of the Convention regarding participation in hostilities should be revised from 15 to 18 years. The Nordic countries recognized the inherent right of all human beings to bodily integrity. With all respect for different cultures in the world, those delegations strongly appealed to all Governments to do their utmost to put an end to practices such as female genital mutilations, which represented an unacceptable assault on the physical and moral integrity of girls and women.

JULIAN PALACIOS, Observer for Spain, said his country, a party to the Convention, supported the work of the Committee on the Rights of the Child, which was doubtlessly the appropriate forum for the exchange of ideas and search for solutions in the framework of the provisions of the Convention. His delegation also supported the conclusions reached by the Special Rapporteur on the sale of children, who had indicated in his report that children suffered from three types of violence: personal, domestic and social. In this context, the situation of the so-called "street children" was particularly dramatic. The Commission should adopt a forceful decision on that matter.

The Spanish delegation, he continued, was also concerned over child prostitution and pornography and about the sale of children. The eradication of these practices required firm action at the national and international levels to punish those responsible. This responsibility should not be placed solely on those societies which were most prone to not guaranteeing the protection of its children. Equally responsible were those societies which, though enjoying better material conditions, allowed and, in some cases, facilitated the violation of children's rights.

TREVOR DAVIES, Observer for Defence for Children International, noted that 109 States had deposited instruments of ratification or accession to the Convention and the time had come for States parties to turn their attention to implementation. UNICEF had made invaluable contributions to the campaign for ratification of the Convention and to the work of the Committee. UNESCO, the World Bank and the International Monetary Fund had failed to attend the first session of the Committee. The large number of States which had ratified the Convention was an extraordinary accomplishment but one which was marred by the reservations made by a few countries. In a few cases, these reservations were so broad and general as to raise doubts as to whether or not the States concerned had actually become States parties or not.

Reservations concerning the Convention as a whole rather than specific articles seriously eroded the competence of the Committee, he said. Such a situation would seriously prejudice the ability of the Committee to fulfil its monitoring functions, as well as undermine the most fundamental principles of the international law of treaties. He said that reliable statistics did not exist on the number of child soldiers who had died in armed struggle but few would doubt that they had to number in the hundreds, not to mention those who had suffered physical, emotional and spiritual wounds.

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MANASVI SRISODAPOL (Thailand) said the problem of prostitution was compounded by international factors whereby women and children were constantly victimized by syndicates whose networks and operations transcended national boundaries. In Thailand, cases involving foreigners, including Westerners, who had organized "sex tours" to gratify sexual fantasies through the exploitation of women and children, had been exposed by both the Thai and Western mass media. Those so-called "sex tours" gave the Thai Government cause for concern in view of the spread of acquired immunodeficiency syndrome (AIDS) in the country, a problem which was introduced into Thailand from abroad.

Attempts to solve the problems of child labour and prostitution in Thailand had been launched on all fronts, said the speaker. Successive Thai Governments continued to tackle these problems through legislative action, law enforcement activities and a variety of socially oriented programmes. The Thai Government was also carrying out long-term measures aimed at increasing the level of compulsory education, and the availability of primary education in rural areas. It had undertaken policies aimed at a more equitable distribution of income, particularly to the rural areas, the creation of job programmes and the raising of public consciousness regarding these problems.

ELLEN MOURAVIEFF-APOSTOL and PHAITOON MANCHAI, representatives of the International Federation of the Social Workers, spoke of the work of the Centre for the Protection of Children's Rights in Bangkok. The Centre was a non-governmental organization which provided protection, temporary shelter, child welfare and rehabilitation as well as legal advocacy for children up to 16 years of age. Following one raid of a brothel, 12 girls had been taken to the Centre's rehabilitation home, with the rest of the girls sent to the Government rehabilitation home. After tests, 11 out of 12 had been found to be human immunodeficiency virus (HIV) infected. About 70 per cent of the girls rescued came from the north of Thailand, particularly from hill tribes. Out of 185 girls recently tested for HIV infection, 46 were positive.

The rapid growth of the child prostitution industry in Thailand meant that children from neighbouring Burma, China and Laos were becoming victims. Prostitution agents found it very easy to cross the border from Burma to Thailand, bringing young girls with them. The girls usually believed they were being taken to work in Thailand and when it became clear what type of work they were expected to do, they had no one to turn to. The Federation called upon governmental as well as non-governmental bodies in the countries where children were facing the same fate to study, exchange information and closely work together to eradicate the trafficking in children and transborder prostitution rackets.

MARIA RUESTA DE FURTER (Venezuela) referred to the last report of the Subcommission on Prevention of Discrimination and Protection of Minorities' Working Group on Contemporary Forms of Slavery. The report contained recommendations on the Programme of Action for the Prevention of the Sale of Children and the Programme of Action for the Elimination of the Exploitation of Child Labour. She hoped that the resolution relating to these recommendations would be adopted by consensus.

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As for the report of the Special Rapporteur on the sale of children, she said she deeply appreciated the focus on supply and demand and the multidisciplinary approach used. Her delegation also agreed with the broad interpretation of the term "sale of children", which should cover not only their sale but also the traffic in children. The chapter devoted to adoption for commercial purposes was also appreciated, and she was pleased with the focus of the chapter on the exploitation of child labour. As for the status of the Convention, she shared the satisfaction of other delegations at the number of ratifications. However, she was concerned over certain reservations that could dilute the aims of the Convention.

ORESTES LORENZO PEREZ, representative of the International Association of Educators for World Peace, said his children had been taken hostage by his Government in revenge for his refusal to continue to work for it. His family had been granted visas by the authorities of the country in which he lived, but the Ministry of Defence and the Deputy Head of State of his country had told his wife that she and her children would never see him again. They would never be given the exit visas they had requested. What moral authority did a Government have to divide a family arbitrarily? His children were not the only children held hostage because their parents had sought political asylum in other States.

The speaker appealed to the Commission for the right of the children to be with their father. He said he was a former major in the Cuban Air Force who had defected to the United States. The fate of his children lay in the hands of Vilma Elpin de Castro and her husband, Raul Castro, he added.

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HUMAN RIGHTS COMMISSION CONSIDERS CHILDREN'S RIGHTS, ADVISORY SERVICES, MIGRANT WORKERS' RIGHTS

Elects 12 Members of Subcommission on Minorities

GENEVA, 2 March (UN Information Service) -- Meeting until midnight, the Commission on Human Rights continued discussing the questions of children's rights and the United Nations programme of advisory services in the human rights field. Under the latter question, the Commission is considering the human rights situations in Haiti, Equatorial Guinea and Guatemala.

Also this afternoon, the Commission elected 12 members to its main subsidiary body, the Subcommission on Prevention of Discrimination and Protection of Minorities, which is composed of 26 members. The elections were conducted in accordance with the following pattern: four members from African States; two from Asian States; two from Latin American States; two from Eastern European States; and three from Western European and other States. The newly-elected members will serve terms of four years.

In addition, the Under-Secretary-General for Human Rights, Jan Martenson, introduced the question of the rights of migrant workers.

Taking part in the discussion on children's rights were representatives of the following non-governmental organizations: the Latin American Federation of Disappeared Detainees (FEDEFAM), the General Arab Women's Federation, the Foundation for the Rights of the Family and the International Confederation of Free Trade Unions.

The delegations of Costa Rica, Bulgaria, United States, Germany, Netherlands, Czechoslovakia, Russian Federation, Venezuela, Colombia, Uruguay, Chile, Tunisia, Gambia, Italy, Austria, Mongolia, Ireland, Norway, Poland, Belgium, Guatemala, Switzerland, Sao Tome and Principe and Senegal made statements regarding the programme of advisory services in human rights.

Representatives of the following non-governmental organizations also spoke on advisory services: American Association of Jurists, International Federation of Human Rights, International League for the Rights and Liberation

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 For information media--not an official record

of Peoples, Centre Europe-Tiers Monde, Lawyers' Committee for Human Rights, International Association against Torture, Commission for the Defence of Human Rights in Central America, International Romani Union, Four Directions Council, Service, Peace and Justice in Latin America, International Movement for Fraternal Union among Races and Peoples, World Confederation of Labour, International Educational Development Inc., International Commission of Jurists, World University Service, International Peace Bureau, Conference of European Churches, World Alliance of Reformed Churches and International Indian Treaty Council.

The representatives of Guatemala, Turkey and Morocco exercised their right of reply.

Election of Subcommission Members

Elected to the Subcommission on Prevention of Discrimination and Protection of Minorities from the African States were Ahmed Khalifa (Egypt), Fisseha Yimer (Ethiopia), Halima Embarek Warzazi (Morocco) and Said Naceur Ramadhane (Tunisia). From the Asian States, Muksum-Ul-Hakim (Bangladesh) and Ribot Hatano (Japan) were elected. Ioan Maxim (Romania) was elected from the Eastern European States. Clemencia Forero Ucros (Colombia) and Miguel J. Alfonso Martinez (Cuba) were elected from the Latin American States. Marc Bossuyt (Belgium), Asbjorn Eide (Norway) and Linda Chavez (United States) were elected to the Subcommission from Western European and Other States. Another member from the Eastern European States is yet to be elected.

JOSEFINA MARTINEZ, of the Latin American Federation of Relatives of Disappeared Detainees (FEDEFAM), said a wide gap remained between the intention and reality of human rights instruments involving children. The speaker demanded that the Government of Argentina publicize the documents of the dictatorship under which many children had disappeared. In Colombia, children had disappeared and there was a problem of abduction of children for sale. In Guatemala, children had disappeared and had been arbitrarily killed. In Peru many children had disappeared and thousands had become orphans because their parents had been killed in the political violence there. In El Salvador, thousands of children had disappeared, been killed or had been orphaned before the recent peace accord was signed. In Haiti, international cooperation was needed to protect children and to support the return of democracy. In Kurdistan, Kurdish children were suffering as the Government continued to refuse to recognize the existence of the Kurdish people. Children there had to recite in school, "I am happy, I am a Turk".

Economic blockades against Cuba and Iraq caused children to suffer and FEDEFAM appealed that the blockades be ended. The blockades exaggerated the difference between North and South and led to under-development and malnutrition, which especially affected children. FEDEFAM could not stand by and let this continue.

ABDUL LATIF AHMED, of the General Federation of Arab Women, paid tribute to the work of the United Nations in the field of children's rights. The Federation was intensifying its efforts to encourage Arab countries to adhere to the Convention on the Rights of the Child. The draft programme of work for

the elimination of exploitation of child labour deserved particular attention from the Commission. Arab children suffered from three types of human rights of Peviolations. One type emanated from the Israeli occupation of Palestine and other Arab territories. Hundreds of children had been killed during the intifadah.

The second type of violations might be attributed to the effects of economic underdevelopment, the speaker noted. The third type of violations resulted from the impact on children of economic sanctions imposed by international organizations on some countries. The most flagrant example of that type of violation was Iraq. The effects of the embargo came on top of the consequences of the war waged by the allied countries against Iraq. Child mortality in Iraq had increased by 320 per cent.

LOUIS DE SAUSSURE, of the Foundation for the Rights of the Family, speaking on behalf of two other non-governmental organizations, said families had the prime responsibility for caring for children. Governments and other organizations should therefore support the family. The international community had declared 1994 the International Year of the Family, yet nothing was being done to help families -- the family was threatened and there were more and more single-parent families. The Foundation stressed the right of families to substantive assistance from public authorities, particularly when families were in a precarious situation. Families also had to be protected from violations of their private character and had to benefit from a generous and attentive political approach.

He appealed to Governments to make concrete efforts to assure social protection of the family. It was necessary to give special attention to the problems of women and of mothers in order to make their conditions safe and helpful for the raising of children. And it was necessary to confront the problem of education. The schools had to involve the parents as well as the children. In recent decades, especially in the West, there had been a distorting trend towards transferring the responsibilities of parents to the school and to the State.

GUY RYDER, of the International Confederation of Free Trade Unions (ICFTU), said the ICFTU major concern was the elimination of child labour. It was important to recognize that child labour was, in itself, totally ineffective as a strategy to fight poverty and promote development. Such labour perpetuated and in many senses accentuated poverty. In Haiti, for example, children were sold to work in domestic service in such conditions that many preferred to run the risks of living in the street. In Peru, the discovery of a large number of clandestine graves in the Madre de Dios department in August 1991, had uncovered the widespread employment of children in the gold mining industry. The many bodies discovered were those of children killed while working in conditions of unendurable hardship and danger, or who had died of disease or had been killed while attempting to escape.

Coverage of the footwear industry recently traced the trail of exploitation of child workers manufacturing shoe uppers in Pakistan across the world to Italy. It found that the children concerned were paid some 10 cents

per day for long and arduous work. The results of their labour were then exported to Italy, where the shoes' soles were added, and the goods marketed. Their retail price was $120 per pair, each of which bore the legend "crafted in Italy". That type of situation provided a clear imperative for the introduction of a "social claim" in international trading arrangements regulated by the General Agreement on Tariffs and Trade (GATT), denying market access to the products of child labour. The international community should also review as a matter of urgency the pressures it might itself be exerting through socially regressive debt relief and structural adjustment programmes, one of the effects of which might be to drive children into the world of work.

Measures to Benefit Migrant Workers

Introducing the question of measures to improve the situation and ensure the human rights and dignity of all migrant workers, JAN MARTENSON, Under-Secretary-General for Human Rights, said that safeguarding the fundamental human rights of migrant workers and their families remained a priority concern of the Organization and a continuing challenge for all of its Member States. The deplorable conditions in which migrant workers and their families often lived and worked were usually overlooked. The growing economic disparity between the developed and developing countries, added to the dramatic changes now taking place in the world, had given rise to new flows of migration as well as to new human rights problems. Those had been exacerbated by resurgent nationalism and xenophobia in many parts of the world.

In an effort to highlight the special vulnerability of migrant workers and their families, the Secretary-General had drawn attention to their situation within the framework of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. His office hoped to publish, later this year, a study on the effects of racial discrimination in education, training and employment, as it affected the children of minorities, in particular those of migrant workers. He also expressed hope that sufficient funds would be available under the Second Decade to undertake a global survey of the extent to which the children of migrant workers were able to receive education in their mother tongue.

The General Assembly's adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990 had marked a significant step towards safeguarding the fundamental human rights of that highly vulnerable group, he said.

Before the Commission was a report of the Secretary-General on the Status of the Convention which noted that as of 10 December 1991 the Convention had been signed by Mexico and Morocco and no States had yet ratified or acceded to the Convention.

Statements on Advisory Services

JAVIER RODRIGUEZ (Costa Rica) regretted the almost irreversible deterioration of the political situation in Equatorial Guinea. There seemed to be a total lack of respect for the rule of law and the Government of President Theodor Obiang had continued practices of arbitrary detention and

torture and the army committed serious violations of all human rights. Corruption was practised with impunity and the situation was simply worsening daily. Expert Volio's recommendations had to be implemented immediately. If not, the international community should take coordinated action to avoid more time being lost. This situation, should be given the highest priority, as the arbitrary tyranny in Equatorial Guinea should not be allowed to continue.

DOBRI DOBREV, observer for Bulgaria, said consultative services in the field of human rights were very important to countries such as Bulgaria which were new at democracy and needed to train Government staff and citizens in the value, standards and methods of ensuring human rights. Bulgaria was grateful for the cooperation of the Centre for Human Rights. There had been several seminars on human rights in Bulgaria, and Bulgarians had attended seminars in other countries. Thanks to the Centre, an agreement had been signed to translate important documents and brochures on human rights into Bulgarian. Another example was a series of television programmes resulting from a visit by Bulgarian TV crews to the Palais des Nations. Programmes for teaching human rights in schools were also considered to be useful.

Bulgaria supported proposals for financial consolidation and consolidation of the staff of the Centre for continuing such activities. Continued help for emerging democracies on matters relating to human rights was essential, along with maximum stimulation of the democratization process in various regions and countries. The Bulgarian delegation was convinced of the value of cooperation in human rights.

M. NORTHERN (United States) said that while the world was no longer in the grip of super Power rivalry, the end of the ideological split in the world should not be replaced by a North-South divide over issues of poverty and surplus. The real division in the world today was between those committed to democracy and liberty and those against.

He assured those who would be counted among the ranks of the free and who earnestly sought to implement the principles contained in the Universal Declaration of his Government's cooperative attitude. The United States was already actively supporting nascent democracies flowering in regions where few had thought it possible just a few years ago.

The Centre for Human Rights and the advisory services and technical assistance could play a vital role to provide tools for democracy-building. The needs of the new emerging democracies placed added pressure and additional demands on the Centre, and an increase in funding might well be needed, he said. This could be best accomplished by the Commission's reallocating resources from low-priority activities and eliminating waste in Commission expenditures across the board. In the final analysis, no democracy would long survive unless human rights principles were institutionalized and unless democracy became a way of life for the majority of citizens.

GERHART R. BAUM (Germany) said his delegation, together with a number of other co-sponsors, would bring before the Commission for adoption a draft resolution entitled "Advisory Services and Voluntary Fund for Technical Cooperation in the Field of Human Rights". The programme of advisory services

financed from the regular budget of the United Nations and those financed from the Voluntary Fund were related and had to be seen in a common context. Above all, both programmes served the same goal.

His Government was particularly pleased at the active involvement of the Centre in programmes in neighbouring countries in Central and Eastern Europe. The requests from this region as well as from a great number of developing countries showed clearly that this was the time in which advisory services had to prove more than ever before that they were not only a necessity, but also a flexible and efficient mechanism to respond to the real needs of the requesting countries.

In his view, stand-alone programmes such as individual seminars, training courses and scholarships for appropriate government personnel and expert advice concerning the national implementation of international human rights instruments or the drafting of constitutions and other national legal texts should be financed from the regular budget. Activities of a comprehensive character, and especially those encompassing a country as a whole, should be financed from the Voluntary Fund.

Germany welcomed the establishment of the Unit for Technical Cooperation. However, it was clear that the Centre alone would not be able to respond favourably to all incoming requests. His Government had decided only a few weeks ago to make available 18 million deutsche marks for programmes furthering democratization processes in developing countries. Furthermore, it would also make a serious effort to achieve a substantial increase in its contribution to the Voluntary Fund.

GEESKELIEN WOLTERS (Netherlands) said that more could be achieved through the advisory services programme. As far as the advisory services under the regular budget were concerned, priorities and objectives would have to be more clearly formulated for most activities. What were the exact goals and purposes of training courses, workshops and seminars and at whom were they targeted? Did those activities attract the right kind of participants? The delegation underlined the need for a more thorough evaluation of activities. It should become routine that after every activity the target set for it and its actual results would be compared, and that the conclusions drawn would be used in the preparation of future activities.

The delegation felt a clear need for a regular independent evaluation of the programme financed from the Voluntary Fund. It was now five years since the Voluntary Fund had been established. One could even wonder whether it was not the moment for evaluation not only of individual programmes, but also of the programme as a whole. Had the assumptions on which the programme was established materialized?

IVAN PINTER (Czechoslovakia) said it was necessary not only to adopt new international human rights standards but to help Governments with problems with a view to enabling them to develop the necessary mechanisms to meet those standards. The establishment of the Technical Cooperation Unit within the Centre would contribute to an even higher effectiveness of the operations financed from the Voluntary Fund. The mutual inspiration of different human

rights forums represented one of the ways to deepen and strengthen the effectiveness of all of them.

Czechoslovakia had used the assistance of fellowships in 1989 and 1990 and hoped that its young experts would participate in programmes of this kind in the future. He believed that more human and financial resources for the enlargement of advisory services provided by the Centre for Human Rights were necessary. Czechoslovakia had asked that a national documentation and training centre be set up in Bratislava and he was optimistic that in a few months that Centre would open.

T. RAMISHVILI (Russian Federation) said advisory services in human rights had recently become much greater in scope and quality. A request for such services could indicate a country's seriousness about human rights. Obviously those services cost money and requests were increasing, but the programmes were worth the money. It was wrong to save money on human rights. The Russian Federation greatly valued those services. The country was struggling to set up democratic structures and to transform its economy, and it needed expertise and advice.

HORACIO ARTEAGA (Venezuela) said that advisory services played a key role in collaboration with national institutions charged with respect for human rights. In Guatemala, seven years of democracy had not fully freed that country from the scars of past dictatorship. It was regrettable that agreement had not been reached, but it was to be welcomed that President Serrano had said violence was not a way to achieve political objectives. Advisory services should continue to be given to Guatemala. Concerning Haiti, the report presented an alarming picture. The overthrow of democractic order had led to a total breakdown of law and order in that country. Insecurity and terror had led to a mass exodus. The legitimate Government had to be reinstated.

GUILLERMO GRILLO (Colombia) said Colombia had requested advisory services on its own initiative. The point of the two-year programme was to train officials in human rights, to decentralize human rights agencies throughout the country and to restructure Government institutions and change approaches so that a more coherent strategy for protecting human rights could be followed. Programmes had been put into operation throughout the country, habeas corpus had been elevated to the level of a constitutional right and efforts had begun to strengthen national institutions on human rights. Efforts were being made to trace disappeared persons and to prevent future abuses.

Advisory services should take into account regional and cultural differences, the speaker said. A list of priorities should be established to help determine which programmes should be funded. Since the establishment of the Voluntary Fund, the activities of the Centre for Human Rights had increased greatly and Colombia and other nations were grateful. For more efficient future operation, the Centre for Human Rights should have regular in-depth evaluations of its programmes.

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RAMIRO PIRIZ (Uruguay) said that in order to ensure the observation of human rights, it was essential to take action at the international level. The protection of human rights was a legal obligation that was part of international law. The Commission had considerable means of persuasion at its disposal which could, through the recourse to public opinion and non-governmental organizations, represented effective pressure over Governments guilty of human rights violations. Another way of doing this was through the programme of advisory services. Those could be used to pressure Governments to implement human rights without denunciation.

The use of those mechanisms should take into account that some regimes did not want to seem to be bending to international pressure, and other Governments faced difficult internal situations such as activities by armed groups. The programme could also help identify material problems that made it difficult to realize human rights.

PEDRO OYARCE (Chile) said technical assistance and advisory services were centre-pieces of the human rights approach. Nothing could play a greater role. In that context, Chile supported the resolution presented by Brazil. Technical services should not in any way reduce a State's own obligations to foster human rights. The growing number of requests for advice and projects administered by the Centre were an indication of their value.

Although the work of the Centre had financial limits, it was none the less most valuable. Perhaps to be more efficient, some Centre courses could be offered on common topics that were useful to officials from a number of countries while others could be tailored to more specific regional problems. Among those, and of interest to Chile, was the matter of the human rights of indigenous peoples. National and regional centres would be a good idea -- they could offer documentation, education, creation and distribution of human rights material. The design of protections in the field of the administration of justice and independence of the judiciary was of special interest.

RACHID DRISS (Tunisia) said the meeting on national human rights institutions held in Paris last October, to whose conclusions he subscribed, had among other things called for the strengthening of the Voluntary Fund for technical assistance in the field of human rights so that it could provide adequate aid to the national bodies. Participants had also recommended the holding of another seminar in Tunis. Originally conceived to promote human rights, the advisory services programme also served to reinforce national structures, under the auspices of the Centre for Human Rights.

Tunisia welcomed the action of the Centre on behalf of the Arab Institute for Human Rights in the same way. The fellowship programme should redevelop. The Superior Committee on human rights could formulate proposals in this regard. The Committee was established on 9 April 1991 to promote human rights internally and externally. The Commission carried out this task through advisory opinions on human rights questions destined for the President of the Republic. The Commission was composed of 26 members including human rights activists from non-governmental organizations, eminent personalities, and representatives of the concerned Government ministries.

B. JAGNE (Gambia) said that with the emergence of new democracies following the end of the cold war, there was enough reason to believe that the observance of human rights would become the centre-piece of the domestic and foreign policies of many countries. However, the world was still far from achieving the ideal situation of universal respect for human rights. That was why Gambia attached particular importance to the programme of advisory services designed to assist Governments in the development of the necessary infrastructure to meet international human rights standards. The provision of advisory services and technical assistance did not in any way reduce a Government's responsibility or accountability with regard to its obligations under various human rights instruments.

One major problem concerned armed groups, especially when such insurgents committed atrocities. Under the programme of advisory services, some Governments made a genuine effort to improve, but it served no useful purpose if armed groups continued to violate human rights. It might not be possible to extend advisory services to them, but non-governmental organizations should be able to help. The speaker said Gambia encouraged the Centre to pursue vigorously projects undertaken recently relating to constitutional reform and institution-building. No country needed those advisory services more than South Africa, which was now engaged in a delicate and difficult process of transition from apartheid to a non-racial and democratic society.

DANIELE VERGA (Italy) said a sensible reallocation of resources to promote democracy and human rights was to be encouraged by the international community at the bilateral and multilateral levels. One of the challenges of the 1990s was the creation of a new human order. Now was the time to translate broad concepts into plans and words into practical action. The advisory services and technical assistance programme could be regarded as part of the preventive diplomacy carried out by the United Nations.

The Italian delegation had shown interest in the establishment of a technical cooperation unit, within the mandate of the Centre, in order to fulfil the urgent task of strengthening democratic institutions and assist in the reform of national legal systems. The speaker welcomed the introduction of the concept of comprehensive country programmes for the activities financed under the Voluntary Fund. This new concept could be regarded as an appropriate tool to answer more effectively the needs of countries.

CHRISTIAN STROHAL (Austria) said that with advisory services and technical cooperation, it was important to concentrate on institution-building measures which were most likely to contribute to long-term positive effects. Two considerations seemed of considerable importance for ensuring the long-term effects: regular follow-up assessments by the Centre and adequate follow-up activities by the country concerned, undertaken in cooperation with the Centre or other international institutions. It might be helpful to develop a range of model projects in such areas as administration of justice, independence of the judiciary and torture prevention, which could facilitate the further strengthening of the programme. Inadequate financing for regular programmes would have to be addressed by the appropriate organs of the United Nations in order to secure necessary augmentations, without using voluntary contributions.

With regard to the Voluntary Fund, Austria appreciated the Centre's undertakings for clear internal structures to deal with requests for individual projects. He underlined the importance of special rapporteurs and working groups; their recommendations should lead to concrete proposals for projects under the advisory services programme. The same applied to the work of treaty bodies, which should be encouraged further to identify and to follow up project proposals. Austria also encouraged the Centre to formulate concrete project proposals on the basis of those recommendations.

D. BODBAATAR (Mongolia) said it was gratifying to note that the Centre's advisory services had been growing in importance and magnitude. Such multifaceted assistance was essential, especially for countries like Mongolia which were now undergoing the process of democratization and restructuring. The recently enacted national Constitution duly reflected universally-accepted human rights standards, as a result of expert assistance by and cooperation with the Centre. Last fall, the Centre had also organized in Ulan Bator in collaboration with the Government, a training course on international human rights standards and national legislation.

The speaker underscored the practical importance of the course in providing a better knowledge and understanding of international human rights standards and their existing implementation machinery for law-makers, legal practitioners and other relevant officials and non-governmental organizations.

COLM O'FLOINN, Observer for Ireland, said he was pleased with the further steps which had been taken to improve the management of the Voluntary Fund, particularly by the establishment of the Technical Cooperation Unit. However, organizational changes and additional publications were not enough. An efficient and productive use of contributions to the Voluntary Fund depended primarily on a dynamic of continuous dialogue between the Centre and all interested missions in Geneva. With regard to the various seminars and workshops held in 1991, those events had not always been followed by an improvement in observance of human rights in the country concerned. The provision of advisory services and technical assistance did not diminish a Government's responsibility in the field of human rights.

The draft resolution to be introduced by Germany on advisory services and the Voluntary Fund was an example of how the Commission could rationalize and update its work, he went on. The last section of the draft resolution dealt with system-wide cooperation, to which delegations attached great importance. Ireland had decided that there should be a sustantial increase in its contribution to the Fund this year. Ireland had also substantially increased its contribution in 1992 to the Voluntary Fund for victims of torture.

RAGNE BIRTE LUND (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that particular emphasis should be given to advisory projects and programmes with a catalytic role. The need for thorough evaluation in the pre-project phase and for justification of the activities in question was equally important for all programme components. For activities under the regular budget, there would be great merit in applying clearer criteria for project identification and

appraisal. Furthermore, the effects of this part of the comprehensive programme of advisory services would be strengthened by introducing better follow-up and evaluation methods. With regard to the Voluntary Fund, the newly-established Technical Cooperation Unit should enable the Centre more effectively to handle the increased magnitude and complexity of the Fund's programmes.

The Nordic countries suggested that the Centre give further consideration to the development of model programmes for building and strengthening national institutions that could be adjusted to specific situations. Those could start with projects relating to legal protection and the strengthening of the judiciary. Further thought ought to be given to the question of the time period of the Centre's involvement with each project. The Centre's principal role might more often be to develop the framework, methods and concepts for strengthening human rights in the development process, and on that basis to seek to involve more actively other parts of the United Nations system, as well as outside expertise.

ZDZISLAW KEDZIA (Poland) said there was an acute need for information, organized documentation and training in the field of human rights in all post-Communist countries, including Poland. That was why the intention of the Centre to establish facilities for human rights documentation and training in those countries was not only welcome but, in the light of their limited resources, indispensable as well. A few months ago the Centre and the Polish Government had signed a technical cooperation programme to strengthen the national human rights infrastructure.

It was quite obvious that the advisory services programme should be implemented in a flexible manner. What was advisable for one country would not be necessarily appropriate for another. For that reason, a proper meaning should be attached to the work of the Voluntary Fund. In his view, the draft resolution proposed by Germany concerning advisory services and the Voluntary Fund for technical cooperation in human rights deserved full support. Poland also welcomed Sweden's initiative for a resolution on the implementation of the Convention on the Rights of the Child.

ALEX REYN, Observer for Belgium, said advisory services could complement but could never replace the other components of the United Nations human rights programme. States were compelled through their respect for the obligations deriving from international instruments to express their concern in the face of human rights violations and to demand that they be remedied. But Governments must be able to implement the provisions of the international instruments. The programme of advisory services could play an important role in that respect by assisting the creation of national institutions for the promotion and protection of human rights.

The role of the advisory services and technical assistance programmes in the organization of free and fair elections must be emphasized. It was also important to recall the importance of the human rights dimension of development assistance, he went on. The European Community had incorporated human rights into its development cooperation programme.

FEDERICO URRUELA PRADO, Observer for Guatemala, thanked the Commission on behalf of the democratic Government of Jorge Serrano for its understanding and for acknowledging the Government's efforts at implementing a policy of respect for human rights and the rule of law. Guatemala hoped to continue to benefit from the advisory services of the Commission in order to pursue efforts aimed at the elimination of the problem of impunity.

It was clear that human rights violations were not a political objective of the Government, but rather a result of historic, economic, social and institutional circumstances. There were two fundamental factors applying in that regard: the legacy of authoritarian Governments, which based security and order on a repressive system; and the over 30-year-old internal armed conflict. Guatemala, echoing the recommendations made by independent expert Christian Tomuschat, called on the international community to aid it in implementing a programme to fight impunity.

JEAN-DANIEL VIGNY, Observer for Switzerland, said the lack of sufficient resources of the Centre for Human Rights while needs for its programmes never ceased to grow, clearly imposed a rigorous limit on consultative services and called for precise definitions for choosing and executing programmes. In funding programmes through the general United Nations budget, setting precise criteria for evaluation seemed the only way to join financial cares with the concommitant increase in the number of projects. It was important to know, when making choices, which programmes would be most effective and pertinent within its chosen purpose, its probable impact and the possibilities for cooperation with other institutions.

Regarding the Voluntary Fund, the Swiss Government lauded the formation of a technical unit with the goal of making project evaluation transparent and coherent. It also supported emphasizing programmes to reinforce the independence of the judiciary. He said the missions of the independent experts on Guatemala, Haiti and Equatorial Guinea were somewhat hindered in their recommendations because they were functioning under item 19 rather than item 12, under which such grave human rights violations should fall.

RIDHA ELLOUZE, Observer for Sao Tome and Principe, said that the advisory services programme had anticipated today's world of democratic liberalization. Generations of effort showed that all human enterprises began and ended with respect for human rights. Countries of both the North and the South had become aware of the cost of excluding human rights. Democratic traditions were old traditions in the reborn Republic of Sao Tome and Principe, which aimed to make those principles universal.

Human Rights needed the right soil and the right care: national institutions and infrastructure would allow people to grow and prosper in total respect for human rights and essential liberties. Countries such as Sao Tomé and Principe deserved and expected multilateral assistance in human rights. It lacked only the structural means to consolidate a society built on solid democratic foundations. Priority should no longer be given to the establishment of new international norms, but rather to information and advisory services.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said that the situation in Guatemala, Haiti and Equatorial Guinea should not be considered under item 19. That would indicate that the Governments there were willing to work to further human rights, which was not true. Fortunately the independent experts and Special Rapporteur had told the truth and were not confused by their place on the agenda. Generally, advisory programmes offered courses which were attended by Government officials -- scholarships also went to government employees. At the training courses one rarely saw private citizens or non-governmental organizations. It was time to change this and to make scholarships available to human rights activists, private citizens and members of non-governmental organizations.

The Association wondered if various advisory services were as cost-effective as they should be. Some seemed quite expensive for what they accomplished. And were courses for police and military personnel effective? It seemed that short seminars were unlikely to accomplish much, compared to habits learned by security forces over long periods of training. There was a danger that instead the courses would just be public relations tools. On the whole, a general council, including non-governmental organizations, should review potential programmes with regard to their urgency and actual effectiveness.

ANATONIA REYES, of the International Federation of Human Rights, said the Federation would have liked the expert to have recommended closer monitoring of the Guatemalan situation by the Commission. Advisory services were not supposed to be given to countries which constantly violated human rights. The Guatemalan Government would probably see that action by the Commission as a green light to continue its human rights violations without condemnation. It seemed that the actions already taken by the Guatemalan Government would remain inadequate if certain members of the police did not admit a profound awareness that their acts constituted a grave violation of human rights.

The Guatemalan Government had not made proper use of the advisory services proferred by the United Nations, she said. That would continue as long as the civil administration existed under the thumb of the military, and until human rights activists and members of the non-governmental organizations community were protected and supported in Guatemala.

ALESSANDRA AULA, of the International League for the Rights and Liberation of Peoples, deplored the lack of more serious action on Haiti following the 1991 coup d'état, which had trampled on the human rights and dignity of the Haitian people. There were executions, arbitrary arrests and disappearances, and the widespread flight of refugees. President Aristide, while facing great obstacles, had made major advances in human rights. That progress had been lost, and although some signs of hope were now visible, the League called for the Commission to seek the re-establishment of democracy, to condemn the abuses of the Haitians, to appoint a Special Rapporteur to investigate those abuses because of their grave nature and to invite the United States to stop inflicting repatriation on Haitian refugees and grant them instead temporary protected status.

CYNTHIA NEURY, of Centre Europe-Tiers Monde, voiced great concern over the current situation in Haiti. Since last autumn's coup, the illegitimate Government was terrorizing, massacring and pillaging the Haitian people in violation of the international instruments to which Haiti was a party. More than 1,500 people had been killed by the army since the coup. Even children had been arbitrarily arrested and tortured. Acts of vandalism, searches without warrants and all who opposed the military were subjected to harassment and even disappearance. She called on the Commission to condemn the coup, demand States to respect the embargo, and to suspend decisions of enforced return of refugees. She also called for the return of the Constitutional Government and the reappointment of a Special Rapporteur to monitor the human rights of the Haitian people.

VICTORIA BERRY, of the Lawyers Committee for Human Rights, recalled that in 1990 the Committee had concluded that, apart from some cosmetic changes, United Nations advice and assistance had had very little impact on Guatemala's dismal human rights situation. Together with many other non-governmental organizations, the Committee had argued strongly that the Commission suspend indefinitely its advisory services programme in Guatemala and renew its commitment to monitor the ongoing violations of basic rights. Another two years had now gone by and the situation remained grave. Despite thousands of thoroughly documented cases, the group knew of no Guatemalan army officer who had been convicted of a human rights violation. It was time the Commission held the Guatemalan authorities accountable for their actions. The Committee urged the Commission to resume monitoring and reporting on human rights violations in that country, as well as in Haiti.

The United Nations needed to devote greater attention to the activities of non-governmental organizations working for the protection of human rights if its advisory services were to succeed. They were in the best position to identify the most pressing human rights problems in their countries.

JUAN LEON ALVARADO, of the International Association Against Torture, said the last two Governments of Guatemala had enjoyed the benefit of the doubt. The United Nations had given them advisory services and gross human rights violations nevertheless had continued. It was necessary to impose political and economic sanctions, as had been imposed against Governments which had committed less grave violations. The Guatemalan Government, in the name of democracy, was massacring its people. It did not deserve advisory services which were reserved for Governments that cooperated with the Commission.

Guatemala needed a Special Rapporteur. As a Guatemalan, he thanked those Governments and non-governmental organizations that had supported human rights in Guatemala, and asked those countries that had backed the Guatemalan Government to cease such support. The Centre for Human Rights had no reason to continue to cooperate with a regime that showed no interest in the well-being of its people.

MIRNA DE ANAYA, of the Commission for the Defence of Human Rights in Central America, said that the increased use of advisory services would be encouraging if they could be seen to be reducing human rights violations. All

too often, advisory services fell between advising and monitoring, which weakened both functions. The use of advisory services resulted in reports of accounts of situations and no more. Advisory services should not be used to improve a country's image in the eyes of the international community.

Last year, new victims of Guatemalan human rights violations were heard at the Commission. The existence of systematic violations of human rights had been clearly established. Providing advisory services to Guatemala was useless due to the lack of political will in that country. It was disrespectful to the credibility of both the Commission and the Special Rapporteur. Advisory services should be extended to victims of human rights violations and to local non-governmental organizations and not just to Governments. The United Nations should require that the granting of advisory services be a condition for the involvement of non-governmental organizations.

NICOLAE GHEORGHE, of the International Romani Union, said while it was important to continue advisory projects, it was equally important to evaluate existing programmes and to devise standards for determining which projects to undertake. Many services were being offered to the new democracies of Central and Eastern Europe, and it was important to make sure that those countries were ready to cooperate. Many of their Constitutions were weak in human rights protection for racial minorities and xenophobia was rising.

The speaker said he was referring not only of discrimination against Gypsies, but also against Jews and Moslems. Many of the new democracies in Eastern Europe had histories of discrimination and needed close monitoring. The elites of those countries were not always sensitive to minority human rights and the Commission on Human Rights should support the draft resolution on the protection of the human rights of the Romani people. Those who would provide advisory services in Central and Eastern Europe had to keep in mind the rights of the Romani people.

JOSE MORALES, of Four Directions Council, said that due to the Ecuadoran Government's misinterpretation of human rights instruments, indigenous peoples were subject to permanent marginalization, hunger and poverty. Agro-business interests had seized the lands of indigenous peoples. Those struggles and expulsions were characterized by violence and had resulted in deaths, usually of leaders of the local community. Paramilitary bands attached to the agricultural companies operated with impunity and carried out acts of torture and arbitrary arrests. The Government depended on the landowners' agro-business exports. No single sector of the economy should take precedence over an indigenous people. Ecuador deserved advisory services to help it to interpret better the human rights instruments to which it was a party.

PABLO FREDERICK, of Service, Peace and Justice in Latin America, said thought should be given to the conditions and requirements to be fulfilled before advisory services were provided. As Subcommission member Louis Joinet had stated in his report on the independence and impartiality of the judiciary, there should be minimum respect for human rights in the country concerned; cooperation from the officials benefiting from the services and a systematic evaluation of the human rights situation. Whenever constitutional regimes with allegations of mass human rights violations did not fulfil those

requirements, the situation should be considered under the agenda item on violations in any part of the world.

Colombia had benefited from a programme of technical assistance in cooperation with the United Nations Development Programme (UNDP). Aside from the inherent difficulties in the execution of the programme, the human rights situation had deteriorated in the last five years. The time was ripe for the Commission to assign an assessor to that country. It would be pertinent to extend advisory services and technical assistance to other countries which did not meet the minimum standards of human rights protection, such as Bhutan and Haiti. With regard to the latter, and as its President and independent expert Marco Tulio Bhuni Celli had said, international repudiation of the coup had not sufficed.

C.M. EYA NCHAMA, of the International Movement for Fraternal Union among Races and Peoples, said that the alliance existing in Equatorial Guinea was one of fascists and dictators. He had never believed that Equatorial Guinea should be given advisory services. That had been merely a ploy to fool the international community. The governing oligarchy was beyond the rule of law. There was no confidence for investors who could not trust land registry archives. On 17 November, the de facto President had called a referendum to reform the 1982 Constitution. The referendum had resulted in a text which had even less respect for human rights built into it. He called on the Commission to appoint a Special Rapporteur to monitor the situation in Equatorial Guinea.

BEATRICE FAUCHERE, of the World Confederation of Labour, said President Jean-Bertrand Aristide had reminded the Commission of the human rights violations endured by the Haitian people. Terror had reigned in the country since the coup. The military did not wish to share power with the population. Her organization supported the recommendations made by the independent expert and hoped that the Commission would respond positively to the requests made by President Aristide. Furthermore, the countries concerned should suspend the forced return of Haitian refugees.

The report of the independent expert on Equatorial Guinea had shown how the human rights situation had deteriorated in that country, she added. In 1991, the President had managed to make the people believe that there was a climate of openness. After criticism had surfaced, the President had clamped down. The new Constitution was even less democratic than the previous one. In addition, Moroccan soldiers assisted the authorities to repress the citizens of Equatorial Guinea. It would seem that Morocco had taken over the role of Spain by recolonizing another former Spanish colony.

ALIOUNE SENE (Senegal) said that experience showed that democracy had to come from within, as seen in the rise to power by Jean-Bertrand Aristide in Haiti. That process of democratization had to be encouraged by the United Nations advisory services. Any lasting solution in Haiti had to involve an end to illiteracy and unemployment and had to be based on economic and social improvement. Advisory services had to be used in the service of the application of respect for human rights and fundamental freedoms. Genuine international cooperation required transparency and mutual respect. Bilateral

cooperation, participation of non-governmental organizations, and surveillance mechanisms would also be required in the service of States at the present crucial time of democratization.

KAREN PARKER, of International Educational Development Inc., said the Commission should be especially vigilant to ensure that advisory services were not provided to a country under a military dictatorship. It was equally unacceptable to provide advisory services to a country in which a civil war caused by social injustice and racist attitudes was occurring. The Commission had acted wisely in maintaining strict scrutiny of El Salvador during the civil war, in spite of the election of a civilian Government.

However, with regard to Guatemala, the Commission's failure to maintain strict scrutiny automatically ensured that advisory services became a diplomatic substitute for a "gross violations" mandate. The human rights situation there, in spite of yet another election and another President, remained among the worst in the world. Her group could not fail to address the grave crisis in Haiti. Under present circumstances, it was no longer appropriate to consider the human rights situation under advisory services. She also hoped that any review of Haiti would include the terrible situation of human rights of refugees from that country abducted by the United States on the high seas and then sent back to Haiti in clear violation of international law.

ALEJANDRO ARTUCIO, of the International Commission of Jurists, said that the regime imposed on Haiti already had a lamentable human rights record. Haiti was a test for democracy in Latin America. He called on the Commission to monitor the situation of human rights in Haiti and to declare its conviction that democracy should soon return to Haiti. In Guatemala, the national dialogue had forged ahead but the armed conflict had also continued, resulting in 100,000 deaths so far, mostly committed by the civil defence patrols. Progress in El Salvador proved that peace was possible if the political will existed. However, in Equatorial Guinea, peace and respect for human rights seemed very far away. The international community should not allow the hopes of the Haitian people to go to waste.

JIMENA ERAZO, of World University Service, said Haiti and Guatemala had some interesting things in common with respect to the programme of advisory services. In both countries, it had been thought that civil Governments had, in addition to the political will, the capability to make their armies and police respect the human rights of citizens. In both countries, enforced or involuntary disappearances and torture continued. Furthermore, the Commission had provided advisory services without demanding to see concrete results in the form of a cessation of human rights violations. Both countries were dealt with by the Commission under agenda items which did not apply to them. The inclusion of Governments that gravely violated human rights in the programme helped to aggravate the situation. The inappropriate treatment of the case of Guatemala constituted the abandonment of the victims of past, present and potential violations.

EDMUNDO SEPA BONABA, of the International Peace Bureau, said that the Commission should give the situation in Equatorial Guinea high priority and should return it to agenda item 12. This would help the Commission take the necessary measures to save lives in Equatorial Guinea. Advisory services could not be a substitute for surveillance measures designed to monitor human rights violations.

FRANCISCO JONES IVINA, of the Conference of European Churches, said his organization, the Madrid Pact for the Democratization and Self-development in Equatorial Guinea, agreed with the conclusion of the independent expert on Equatorial Guinea regarding the deterioration of the human rights situation there. The Madrid Pact wanted to make it known that inside and outside of that country, a peaceful and organized opposition had emerged which was capable of finding a solution to the alarming situation. He asked that the international community not neglect the problem of Equatorial Guinea and that it demand that a process of democratization be started.

CARMELO MOCONG, of the World Alliance of Reformed Churches, speaking on behalf of 173 Churches in 86 countries, said that both inside and outside Equatorial Guinea an opposition had arisen which was in dialogue with the Spanish Government and with the authorities in Equatorial Guinea. But democratic reform would take time and the situation was daily worsening. There had been a retrograde movement away from democracy in Equatorial Guinea. He called for honesty in the actions of politicians, as only that would lead to freedom. He hoped that if the international community acted first, then the Government would follow. Equatorial Guinea had gone beyond the limits of advisory services and should be discussed under agenda item 12.

ANTONIO GONZALES, of the International Indian Treaty Council, recalled that the Commission had adopted initiatives concerning Guatemala since 1979. A careful reading of reports before the Commission led one to ask which right had not been violated in Guatemala. The report of the independent expert on Guatemala and the information received from that country allowed one to affirm that a bold reading of the report could reveal that the "improvements" there were nothing more than promises which the Commission had been hearing since 1979. Organizations working for the defence of human rights in Guatemala reported that in 1991 there had been 735 extrajudicial executions, 40 persons had been killed in 10 massacres, and 83 had disappeared.

Examining the situation of Guatemala under the question of advisory services was not consistent with the report of the independent expert or with the reality of human rights and fundamental freedoms in that country. He hoped that the Commission would adopt a resolution in accordance with the objectives for which it was created.

Rights of Reply

FEDERICO URRUELA (Guatemala) said that a representative of International Defence for Religious Liberty had made a one-sided reference to the situation of street children in Guatemala. He had omitted to recall the plans put forward by the new Guatemalan Government in 1991 to deal with that problem.

Relevant State organs were working with a non-governmental organization with the aim of ending the maltreatment of children. A non-governmental organization working with the Attorney-General's office had created a plan to deal with the problem of street children. They had produced a joint report which detailed causes of the problems. Criminal proceedings had begun against 36 people. The police behaviour had improved in that respect.

FEHRAN ERKMENOGLU (Turkey) said two non-governmental organizations, World Organization against Torture and Centre Europe-Tiers Monde, had complained about human rights violations relating to children in Turkey. Why had the organizations not spoken of the abuses of children committed by the Kurdish terrorists? Those children had taken shelter in Turkey after fleeing from northern Iraq. Claims of child torture were very serious charges. It was very easy to defame or tarnish a country's image. Non-governmental organizations should refrain from making hasty and sweeping statements. Turkey cared about its children and the few problems it had with children's rights were largely economic.

EL GHALI BENHIMA, Observer for Morocco, recalled the statement by Centre Europe-Tiers Monde which he said formed part of a propaganda campaign designed to discredit Morocco. The Saharan population had been the beneficiary of priority effort of the Moroccan Government since 1976. Health, education and infrastructure had been improved in the Saharan territory. The Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) was holding people in camps, leading to separation of families. In Europe, campaigns for the reunification of Saharan families had recently started. The delegate said he could prove allegations of kidnappings by the POLISARIO, but the efforts of the national referendum should not be harmed.

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